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Agenda item 31
Prevention of armed conflict

Security Council
Seventy-first year

Letter dated 28 September 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the statement of the Ministry of Foreign Affairs of Ukraine on the publication of the MH17 Joint Investigation Team's preliminary results (see annex).

I would appreciate your kind assistance in having the present letter and its annex distributed as a document of the General Assembly, under agenda item 31, and of the Security Council.

(*Signed*) Volodymyr **Yelchenko**
Ambassador
Permanent Representative

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Annex to the letter dated 28 September 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs on the publication of the MH17 Joint Investigation Team's preliminary results

28 September 2016

Today, a Joint Investigation Team composed of representatives of Ukraine, the Netherlands, Malaysia, Australia and Belgium presented the preliminary results of the criminal investigation into the downing of Malaysian Airlines flight MH17.

The publication of this information is an important milestone towards our ultimate common goal: bringing to justice all those responsible for downing the aircraft. It is our moral duty to the 298 victims and their relatives and friends.

It is important to underline that the preliminary results of the criminal investigation have confirmed the findings of the technical report published last October by the Dutch Safety Board, namely, that the crash was caused by the explosion of a warhead launched from a "Buk" anti-aircraft missile system.

All other possible causes of this horrible tragedy were considered and rejected during the course of the criminal investigation. This puts an end to all of Russia's attempts to discredit activities of the Joint Investigation Team and conclusions by spreading distorted or fabricated information.

Today's report also includes a new and very important element: information about the route of the weapon, via which it was transported to Ukraine from Russia and then moved in the opposite direction through a sector of the Ukrainian-Russian border controlled only by Russia and its militants.

This information once again points to the direct involvement of the State-aggressor in downing the aircraft. An investigation into specific suspects' affiliation and place in the chain of command is ongoing in order to submit the cases to the appropriate court in the near future.

Of course, the most effective method of prosecution would be to establish an international tribunal under the auspices of the United Nations Security Council. Despite broad international support for this idea, Russia was the only country to veto a resolution on the establishment of such a mechanism in the United Nations Security Council. In this regard, the States involved in the investigation continue to work to identify the mechanism through which those responsible for the catastrophe will be brought to account.

Ukraine and the four other countries concerned will continue to provide full support to the Joint Investigation Team and do everything possible to facilitate the criminal investigation.

Successful completion of the investigation requires the continued support and cooperation of the countries, as provided for in United Nations Security Council resolution 2166 (2014).

We call on all countries to cooperate with the criminal investigation. We expect that Russia, under pressure from the international community, will finally begin to fulfil United Nations Security Council resolution 2166 (2014) as well as its international obligations.

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General Assembly
Seventy-first session
Agenda item 51
Comprehensive review of the whole question of peacekeeping operations in all their aspects

Security Council
Seventy-first year

Identical letters dated 22 September 2016 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

The African Union is the key regional partner of the United Nations in confronting challenges to international peace and security. More than half of the United Nations peacekeeping missions currently deployed are in Africa. Those missions alone account for 83 per cent of all uniformed personnel deployed by the United Nations and 86 per cent of the financial resources approved for United Nations peacekeeping operations. The United Nations also provides considerable support to the African Union Mission in Somalia, through the United Nations Support Office in Somalia. In fact, the United Nations has provided support to most of the operations mandated or authorized by the African Union since its establishment in 2002. Four of those missions subsequently transitioned to United Nations peacekeeping missions.

African Union missions have long suffered from a lack of predictable and sustainable support, including in the area of financing. This was identified as a key challenge in recent transitions, prompting my proposal to undertake, jointly with the African Union, a review and assessment of available mechanisms to finance and support African Union peace operations mandated by the Security Council. The Peace and Security Council of the African Union welcomed that proposal in its communiqué of 26 September 2015. Both the Security Council and the General Assembly indicated, through the statement by the President of the Security Council of 25 November 2015 (S/PRST/2015/22) and General Assembly resolution 70/268 of 14 June 2016, that they looked forward to receiving the results of the review.

The review examined external support provided to the 12 peace support operations mandated or authorized by the African Union to date. It also examined related considerations of doctrine, capability, safety and security, human rights and accountability. I would be grateful if the report could be brought to the attention of Member States in order to inform decision-making on issues related to support to

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African Union peace support operations and the broader partnership between the two organizations in the area of peace and security. The report has also been brought to the attention of the Peace and Security Council of the African Union by the Chairperson of the African Union Commission.

(*Signed*) **BAN** Ki-moon

Report of the joint African Union-United Nations review of available mechanisms to finance and support African Union peace support operations authorized by the United Nations Security Council

I. Introduction

1. The African Union, the United Nations and the wider international community have long recognized that partnerships remain the most effective way to respond to the multiple threats to peace and security in Africa. Over the past decade, this resulted in a growing number of mechanisms reinforcing collaboration between the two organizations and building on their respective comparative advantages in the area of peace and security.[1] In 2014, the United Nations Security Council stressed the importance of "further strengthening cooperation and developing effective partnership with the African Union Peace and Security Council consistent with Chapter VIII of the United Nations Charter, to address common collective security challenges in Africa".[2] Similarly, the African Union Peace and Security Council has stated that "the African Union and United Nations are mutually dependent and have a shared strategic interest in establishing a close working partnership".[3]

2. The changing character of armed conflict on the continent has increasingly led the African Union and the United Nations to adapt their peace operations to meet new and evolving challenges and threats. The principal drivers of Africa's recent armed conflicts include contested government transitions, violent extremism and inter-State contestation. The resulting conflicts have often been fought between factionalized parties and characterized by large-scale violence against civilian populations, including grave violations of human rights and humanitarian law; a rise in the number of actors using asymmetric tactics, including targeting peacekeepers; the growing influence of transnational organized criminal activity; and the complex interrelationships between some State-based wars and various non-State armed conflicts.

3. Since 2003, as part of the African Peace and Security Architecture, the African Union has led or authorized a dozen peace support operations in response to some of those armed conflicts. While those operations showed the African Union's political willingness to tackle major threats to peace and security, they also suffered from a number of recurrent capacity gaps and challenges, arising partly from the Union's limited finances. The United Nations, together with other external partners, has provided support to most African Union peace support operations. That support, however, has always been ad hoc and, in the case of support provided by the United Nations, authorized on a case-by-case basis by the United Nations Security Council. The African Union has therefore repeatedly called for flexible, predictable and sustainable funding for peace support operations, including through the utilization of both African Union and United Nations assessed contributions. Following a high-level open debate on the relationship between the United Nations and regional

[1] S/PRST/2010/21.
[2] S/PRST/2014/27, fourth paragraph.
[3] Common African Position on the United Nations Review of Peace Operations (PSC/PR/2(DII)).

organizations, the Security Council, in its resolution 1809 (2008), recognized the need to enhance the predictability, sustainability and flexibility of financing regional organizations when they undertook peacekeeping under a United Nations mandate. In subsequent years, the United Nations Security Council reaffirmed that view numerous times.

4. The joint review's principal purpose is to assess the available mechanisms to finance and support peace support operations mandated or authorized by the African Union to facilitate a common understanding of how the African Union-United Nations partnership on peace operations has evolved along these dimensions and identify and build on best practices. The Secretary-General originally proposed the joint review in January 2015, following a lessons learned study of the transitions in the Central African Republic and Mali (see S/2015/3). The High-level Independent Panel on Peace Operations, in its report (A/70/95-S/2015/446), supported that proposal, noting that the joint exercise was an opportunity to advance the goal of improving the predictability, sustainability and flexibility of financing for African Union peace operations. The Secretary-General indicated that he intended to proceed with the review in his report on the future of United Nations peace operations (A/70/357-S/2015/682), and this was subsequently endorsed by the Peace and Security Council of the African Union in September 2015,[4] the United Nations Security Council in November 2015[5] and the United Nations General Assembly in June 2016.[6]

5. The present report begins with an overview of the African Union-United Nations partnership on peace support operations. It then provides a survey and assessment of past and present support provided to African Union peace support operations. It subsequently offers an analysis of doctrinal considerations, the African Union's ongoing efforts to develop its capabilities, the safety and security of peacekeepers, and human rights and accountability issues relevant to discussions on support.

II. Evolution of the African Union-United Nations partnership on peace support operations

6. At its heart, the African Union-United Nations partnership on peace support operations is a political relationship that reflects the spirit of Chapter VIII of the Charter. It is founded on the shared desire of both organizations to maintain international peace and security in Africa by developing timely solutions to crises. When the Security Council authorizes the African Union's peace support operations to help to maintain international peace and security on its behalf, it sends a powerful signal that the two organizations are working collaboratively to achieve shared objectives. The partnership is essential, evolving, innovative and increasingly successful.

[4] PSC/AHG/COMM/2(DXLVII).
[5] S/PRST/2015/22.
[6] General Assembly resolution 70/268.

An essential partnership

7. The African Union-United Nations partnership on peace support operations is an essential part of meeting some of the most serious threats facing Africa's States and its peoples, as neither organization alone can address the challenges posed by Africa's multiple armed conflicts and political crises. Peacekeepers have been in extremely high demand in Africa, with both the United Nations and the African Union consistently deploying record numbers since mid-2007. Today, the United Nations deploys more than 80 per cent of its peacekeepers to missions in Africa and, over the past decade, afforded African issues more time in Security Council discussions than any other region of the world. At the same time, the Peace and Security Council of the African Union has authorized more than 80,000 uniformed and civilian personnel in peace support operations. As at July 2016, African States represented 20 of the top 30 contributors of uniformed personnel to United Nations peacekeeping operations. It has been common for the African Union and the regional economic communities and regional mechanisms to act as first responders before transitioning to United Nations peacekeeping operations, as has occurred in Burundi, the Central African Republic, Liberia, Mali and Sierra Leone.

An evolving partnership

8. The African Union-United Nations partnership on peace support operations continues to evolve. In the early 1990s the partnership involved attempts to ensure coordination and cooperation between the United Nations and the Organization of African Unity, the predecessor to the African Union, "should the latter decide to launch a peacekeeping operation".[7] With the establishment of the new African Union, the partnership deepened, and in 2006 the United Nations embarked on its largest and most sustained capacity-building programme for a regional organization, the Ten-Year Capacity-Building Programme, which included enhancing the African Union's ability to conduct peace support operations. In 2010, the United Nations Office to the African Union (UNOAU) was established to deepen the level of practical cooperation between the two organizations. Today, the African Union and the United Nations work together in a strategic partnership based on regular joint endeavours at headquarters and in the field to improve the effectiveness of the delivery of peace support operations on the continent.

An innovative partnership

9. The African Union-United Nations partnership on peace support operations has been confronted with a range of unprecedented challenges, particularly the crises in Somalia and the Sudan, leading the two organizations to pioneer new and innovative mechanisms for cooperation. In January 2007, the Security Council authorized the deployment of support packages funded through assessed contributions, to augment the capabilities of the African Union Mission in the Sudan (AMIS) in preparation for its transition to the African Union-United Nations Hybrid Operation in Darfur (UNAMID). In the same year, the United Nations established the African Union Peacekeeping Support Team in Addis Ababa, at the request of the then Chairperson of the African Union Commission, Alpha Konare, to support the

[7] General Assembly resolution 47/148, para. 5.

African Union in building its capacity for peacekeeping operations.[8] UNOAU was established in 2010 through the merger of the Team with the United Nations Liaison Office and the United Nations planning team for the African Union Mission in Somalia (AMISOM).[9] In 2009, the Security Council authorized the establishment of the United Nations Support Office for AMISOM (UNSOA) to provide a logistical support package to AMISOM. That support was expanded in 2012 to include reimbursement for contingent-owned equipment, the only time to date that funding has been provided directly to meet costs in a non-hybrid African Union mission.

10. The difficulties involved in sustaining AMISOM generated a series of calls at the United Nations to enhance the African Union's capacity to conduct peace support operations.[10] In 2008, the United Nations established a panel, chaired by the former Prime Minister of Italy, Romano Prodi, to consider the modalities of how to support African Union peace operations.[11] Among other things, the panel, in its report (A/63/666-S/2008/813), recommended "the use of United Nations-assessed funding to support United Nations-authorized African Union peacekeeping operations for a period of no longer than six months" and that "to qualify for such support ... the following two conditions should be met: (a) a case-by-case approval by the Security Council and General Assembly; and (b) an agreement between the African Union and the United Nations that the mission would transition to United Nations management within six months" (ibid., para. 11). Neither the United Nations Security Council nor the General Assembly took concrete action on the recommendations in the report.

11. In the light of this, in January 2012, the African Union reiterated its call to the United Nations to address in a systematic manner the issue of the predictability, sustainability and flexibility of the funding of African Union peace support operations undertaken with the consent of the Security Council, through the use of United Nations assessed contributions.[12] The African Union has concomitantly explored how to increase its own sources of finance for the organization, including its peace support operations. In this respect, the Summit of the African Union decided in 2015 to contribute 25 per cent of the cost of its peace and security efforts, including African Union-led peace support operations, by 2020.[13] In January 2016, the Chairperson of the African Union Commission appointed a High Representative for the Peace Fund, and on the basis of his report, the African Union Assembly took a historic decision in July 2016 to institute a levy of 0.2 per cent on eligible imports into the African continent in order to finance the Union, including its peace and security activities, to enter into effect from 2017.

An increasingly effective partnership

12. Despite the many challenges, the African Union-United Nations partnership has already made significant progress in several areas. In a little over a decade, strong cooperation between the two organizations on planning and supporting peace

[8] General Assembly resolution 60/268.
[9] General Assembly resolution 64/288.
[10] S/PRST/2007/7 and General Assembly resolution 61/296.
[11] Security Council resolution 1809 (2008).
[12] PSC/PR/COMM.(CCCVII), para. 18.
[13] Assembly/AU/Dec.561(XXIV) and Assembly/AU/Dec.577 (XXV).

operations has become the norm, although there is still considerable need for further improvement. Most fundamentally, however, the partnership has strengthened the collective security system on which the Charter of the United Nations is based. The developing cooperative mechanisms, the capacity-building, and increasingly joint forms of analysis have facilitated a unity of effort across the African Union and United Nations, maximizing their comparative advantages, and in so doing increasing the likelihood that aligned global and regional responses to crises will also become the norm.

13. Stronger partnerships between regional organizations and the United Nations improve the prospects for quick, coherent and more decisive collective action to prevent and address conflicts. There is already recognition that joint early analysis, information sharing and common understanding between the African Union and the United Nations have led to joint early actions, which have averted conflicts or prevented them from escalating, including in Burkina Faso, the Comoros and Madagascar. Where preventive efforts failed, the two organizations have effectively worked together to deploy peace support operations, including in Burundi, the Central African Republic, Mali, Somalia and Darfur. There have also been discussions on how the two organizations could cooperate on South Sudan. Although their distinct yet complementary doctrines towards peace operations raise challenges of coherence, coordination and interoperability, they also offer opportunities based on each organization's comparative advantages.

III. Survey of support to African peace support operations

A. Typology of African peace support operations

14. African Union peace support operations can broadly be categorized as African Union-mandated operations and African Union-authorized operations (see table 1). For the former, the African Union is responsible for resource mobilization, accountability, oversight and management. The exception is UNAMID, a joint United Nations-African Union mission that is governed on the basis of political cooperation between both organizations but funded through United Nations assessed contributions and managed under United Nations administrative regulations and rules. For the latter, troop- and police-contributing countries bear the primary responsibility for meeting operational requirements.

Table 1
Peace support operations authorized or mandated by the African Union

Mission	*Country*	*Years active*
African Union-mandated missions		
African Union Mission in Burundi	Burundi	2003-2004
African Union Mission in the Sudan	Sudan	2004-2007
African Union Observer Mission in the Comoros	Comoros	2004

Mission	*Country*	*Years active*
African Union Mission for Support to the Elections in the Comoros	Comoros	2006
African Union Mission in Somalia	Somalia	2007-present
African Union Electoral and Security Assistance Mission in the Comoros	Comoros	2007-2008
African Union-United Nations Hybrid Operation in Darfur	Sudan	2008-present
African-led International Support Mission in Mali	Mali	2012-2013
African-led International Support Mission in the Central African Republic	Central African Republic	2013-2014
African Union-authorized missions		
Operation Democracy in the Comoros	Comoros	2008
Regional Coordination Initiative for the Elimination of the Lord's Resistance Army	Central African Republic, Democratic Republic of the Congo, South Sudan, Uganda	2011-present
Multinational Joint Task Force	Cameroon, Chad, Niger, Nigeria	2015-present

15. African Union peace support operations vary considerably, based on the scope of their mandates and the permissiveness of the security environments in which they are deployed. The subsequent categories are important for disaggregating the benefits and challenges associated with external support in each case. Five of the missions were mandated to carry out enforcement tasks that went well beyond those traditionally undertaken by United Nations peacekeeping operations and were deployed in much less permissive security environments than most United Nations missions.

Table 2
Mandates and operating context of peace support operations

Permissiveness of operating environment		*Scope of mandate*	
		Peacekeeping tasks	*Counter-terrorism/counter-insurgency/offensive combat operations*
	High threat[a]	MISCA	AMISOM Conduct offensive operations against Al-Shabaab, restoration of State authority, ensure security of electoral process, secure key supply routes AFISMA Build capacity of Malian defence and security forces, restoration of State authority and reducing threat from terrorist organizations, stabilization, human rights, protection of civilians, create conditions for humanitarian assistance MNJTF Neutralize the Boko Haram terrorist group
	Low/medium threat	AMIB AMIS MIOC AMISEC MAES UNAMID	RCI-LRA/AU-RTF Build capacity of affected countries, stabilize affected areas, create conditions for the delivery of humanitarian assistance, capturing/neutralizing LRA combatants Operation Democracy Restore the authority of the Comoros Government

Abbreviations: AU-RTF, African Union Regional Task Force; AFISMA, African-led International Support Mission in Mali; AMIB, African Union Mission in Burundi; AMIS, African Union Mission in the Sudan; AMISEC, African Union Mission for Support to the Elections in the Comoros; AMISOM, African Union Mission in Somalia; LRA, Lord's Resistance Army; MAES, African Union Electoral and Security Assistance Mission in the Comoros; MIOC, African Union Observer Mission in the Comoros; MISCA, African-led International Support Mission in the Central African Republic; MNJTF, Multinational Joint Task Force; RCI-LRA, Regional Coordination Initiative for the Elimination of the Lord's Resistance Army; UNAMID, African Union-United Nations Hybrid Operation in Darfur.

[a] A high-threat environment corresponds to situations with active fighting, high risk from mines/improvised explosive devices/unexploded ordnance, targeted attack against international forces, etc.

B. Recurrent capability gaps

16. Although the African Union has been willing to undertake more challenging tasks and deploy in higher-risk environments compared with most United Nations peacekeeping operations, the effectiveness of its peace support operations has been undermined by several recurrent capability gaps. They include limited staffing, deficiencies in equipment, inadequate logistics and financial constraints. The African Union's limited ability to finance its own operations has been a persistent challenge. This has led to reliance on external sources of finance that lack predictability and often come with caveats on how the funds can be spent. This, in turn, reduces the African Union's flexibility. As a result, the timing of transitions has sometimes been dictated by resource and capability gaps in addition to political imperatives, instead of progress in implementing mission mandates.

17. The African Union Commission's Peace Support Operations Division, which is responsible for the planning, deployment, management and liquidation of peace support operations, currently has only 79 of the 207 staff proposed by a United Nations study team in 2008, of which only 1 is on a regular contract. The rest are a combination of staff on short-term contracts and seconded officers. Only two are police and seven are civilian staff; the remainder are military staff. Limited headquarters capacity reduces the African Union's ability to provide and exercise strategic direction over its missions. The regional planning elements that are expected to support the African Union, especially during mission start-ups, are likewise understaffed. There were also persistent challenges in identifying, recruiting and deploying civilians in African missions, although those are being addressed through recent changes in the recruitment process.

18. One of the most profound challenges faced by African Union peace support operations remains the capacity gaps of some troop- and police-contributing countries. The African Union has been more willing than the United Nations to deploy forces to situations of ongoing high-intensity conflict, including in non-permissive environments. However, their military and police contingents sometimes do not deploy with the requisite training or the major equipment and self-sustainment capabilities expected and required to deliver on their mandates.

19. The African Union's limited access to strategic lift capabilities has also hampered its ability to deploy peacekeepers in a timely manner. Although some Member States are able to transport their troops into the theatre of operation, the African Union has usually relied on external partners to fill the gap. In many cases, missions also lack required mission-level assets, such as information and communications systems or key enablers such as engineering, aviation, medical and intelligence capabilities required for the type of high-tempo operations that the African Union has increasingly undertaken. Without those, African missions lack sufficient coordination, mobility and responsiveness to deliver on their mandates. Sometimes, this has undermined the credibility of missions.

20. Particularly in the case of AMISOM, offensive operations have given rise to challenges of command and control. In part, this stems from limited capacity in multinational force headquarters, but such challenges do not arise from capability gaps alone. Lack of unified command and control undermines the ability of force commanders to utilize the forces at their disposal efficiently, since they do not have

the flexibility to employ the forces in a manner that allows for quick, decisive actions that exploit the enemy's vulnerabilities and prevent the escalation of crises, provide deterrence and consolidate gains. Weak command and control also limits the ability of force commanders to effectively ensure discipline and accountability for violations of international humanitarian law and international human rights law. This is of particular concern, as offensive operations involve greater risk of violations of international human rights, humanitarian and refugee law.

21. The African Union has learned valuable lessons from its peace support operations and has been developing its doctrines, policies and processes to improve its capabilities in this area. To improve the efficiency of its peace support operations and in order to ensure smooth transitions to United Nations peacekeeping missions when they occur, the African Union has developed various policies and standard operating procedures for the civilian, police and military components of its missions that are closely aligned with those of the United Nations. They are intended to promote standardization, interoperability, professionalism and accountability at the African Union Commission, as well as in its field missions. In addition, significant efforts are under way to strengthen the administrative, procurement and financial practices of the African Union and to align them with global best practices.

22. In order to enable peace support operations to function more effectively, adjustments have been made to allow for faster recruitment processes to ensure that the required personnel are recruited and deployed into missions in a timely manner. In addition, the new African Standby Capacity roster (created in 2015) offers the opportunity to identify, pre-screen and prepare civilians for deployment to missions in a timely manner. With regard to the police component, the African Union has embarked on a new process of pre-certifying formed police units to ensure that they possess the requisite capabilities. There has also been an increase in the financial contributions made by African Union member States to peace and security, which have enabled them to pay for 53 per cent of the salaries of the staff of the Peace and Security Department.

C. Survey of support to peace support operations

African Union Mission in Burundi

23. The African Union Mission in Burundi (AMIB), the first African Union peace support operation, was launched in April 2003 and was deployed for just under a year before it was replaced by the United Nations Operation in Burundi (ONUB) on 1 June 2004. South Africa, the lead troop-contributing country, was able to sustain its own deployment and shoulder the majority of the support requirements for AMIB, although the other troop-contributing countries benefited from assistance from outside partners to deploy. The European Union provided funding to cover the operational costs of troops and provide allowances for military observers, while the World Bank provided assistance to disarmament, demobilization and reintegration efforts. Non-African Union partner countries also provided financial support. The United Nations provided limited support to AMIB in the form of experts deployed to assist in the development of concepts of operations and assist in the areas of public information, headquarters administration and disarmament, demobilization and reintegration.

African Union Mission in the Sudan

24. The African Union Mission in the Sudan (AMIS) was launched in May 2004 to monitor the Humanitarian Ceasefire Agreement in Darfur. However, its focus soon shifted to protecting civilians, supporting the delivery of humanitarian assistance and facilitating the return of refugees and internally displaced persons. Many shortfalls became evident early in the deployment of the mission, requiring considerable external assistance to overcome them. To address mission-level logistics shortfalls, partner countries engaged third-party logistics providers to build and maintain camps, maintain AMIS vehicles and communications equipment, supply water and rations, provide laundry services and rent fixed- and rotary-wing aircraft. The European Union used its African Peace Facility to fund allowances for military observers, stipends for troops, salaries for civilian staff and rations and fuel. The United Nations supported AMIS through an assistance cell established in Addis Ababa, which facilitated the deployment of technical experts in the areas of planning, logistics, communications and transport. The United Nations Mission in the Sudan (UNMIS) supported AMIS in the development of military and police concepts of operations. The North Atlantic Treaty Organization (NATO) also facilitated the training of 184 African Union officers in strategic and operational-level planning and supported the establishment of the AMIS Joint Operations Centre.

25. Significant assistance was also required to support the deployment of AMIS contingents, many of which lacked the necessary equipment or self-sustainment. Partner countries donated vehicles, armoured personnel carriers and communications equipment to meet critical equipment shortfalls, and NATO, in its first deployment in Africa, provided strategic airlift, transporting approximately 31,500 troops between June 2005 and December 2007.

26. By 2006, it was clear that AMIS was struggling to implement its mandate and to protect civilians in Darfur owing to capacity constraints. On 15 May, shortly after the signing of the Darfur Peace Agreement, the African Union Peace and Security Council decided that concrete steps needed to be taken to transition AMIS to a United Nations peacekeeping operation. Although the Government of the Sudan accepted the need to enhance the capabilities on the ground, it did not accept the deployment of a large multidimensional United Nations peacekeeping mission. Ultimately, a compromise was reached in late 2006 whereby the United Nations would sequentially deploy a "light support package" and a "heavy support package" to support AMIS prior to the deployment of a follow-on mission, the African Union-United Nations Hybrid Operation in Darfur (UNAMID). The costs of the light and heavy packages were covered through the UNMIS budget for the 2006/07 financial period.

African Union-United Nations Hybrid Operation in Darfur

27. UNAMID, the first ever and only hybrid African Union-United Nations operation, was established on 31 July 2007 and took over from AMIS on 1 January 2008. The United Nations took the leading operational role in its day-to-day management. During the start-up of UNAMID, donors provided some support for its initial deployment, mainly through the provision of equipment and training of

former AMIS contingents, coordinated through the Friends of UNAMID mechanism.

28. The mission's average annual requirements, which are met through United Nations assessed contributions, amount to approximately $1.4 billion. The mandate of UNAMID is derived from both the African Union Peace and Security Council and the United Nations Security Council, and selection of the senior mission leadership is done jointly by the Commission and the Secretariat, in compliance with the guidance that the mission "should have a predominantly African character and the troops should, as far as possible, be sourced from African countries".[14] The mandate of UNAMID has not changed significantly since the mission's inception owing in part to the consultative nature of the Hybrid Operation.

29. The Joint Support and Coordination Mechanism, based in Addis Ababa, was created to assist with day-to-day working-level coordination with the African Union, and is now co-located with the Peace and Security Department in support of the joint operational and strategic oversight of UNAMID. In addition, the Tripartite Mechanism was established at the onset of UNAMID to facilitate its deployment, focused mainly on operational and support issues, including access restrictions, issuance of visas, and customs clearance between the United Nations, the African Union and the Government of the Sudan. The Mechanism has met for technical-level meetings in Khartoum and strategic-level meetings attended by senior officials in Khartoum, Addis Ababa and New York. Since January 2016, the agenda of the Tripartite Mechanism has also included the mission's exit strategy.

African Union Mission in Somalia

30. The Peace and Security Council of the African Union mandated the deployment of AMISOM on 19 January 2007. Its mandate was subsequently endorsed by the United Nations Security Council in its resolution 1744 (2007). A small United Nations planning team was established in Addis Ababa, initially with 10 planners, to support the African Union Commission. Under its most recent mandate, AMISOM is responsible for a number of combat-related tasks including conducting offensive operations against Al-Shabaab and securing key supply routes.

31. AMISOM has benefited from an array of support provided by the United Nations, ranging from technical assistance to a logistical support package. Since 2013, the United Nations Security Council has requested the Secretary-General to continue to provide technical, management and expert advice to the African Union in the planning and deployment of AMISOM through UNOAU, including on the implementation of the AMISOM strategic concept and the AMISOM concept of operations. UNSOA was established in 2009 to deliver a logistical support package to AMISOM. UNSOA support was originally limited to the provision of equipment and services such as accommodation, rations, water, fuel, armoured vehicles, helicopters, vehicle maintenance, communications, some enhancement of key logistics facilities, medical treatment and evacuation services. As the mandate of AMISOM expanded, so did the support provided through UNSOA. Starting in 2010, it also provided public information assistance and, in 2011, catering equipment and training, sanitation and cleaning materials, furniture and stationery and counter-

[14] Security Council resolution 1769 (2007), seventh preambular paragraph.

improvised explosive device and explosive ordnance disposal activities. Initially, UNSOA support specifically excluded the provision of direct payments to the African Union or AMISOM troop-contributing countries, but in 2012, UNSOA support was expanded to include reimbursement for contingent-owned equipment, with some caveats.[15] Following a strategic review in 2015, UNSOA was replaced by the United Nations Support Office in Somalia (UNSOS) and its support to AMISOM expanded to include maintenance of equipment and provision of self-sustainment reimbursement to troop- and police-contributing countries. In addition, the United Nations has provided human rights training and technical assistance to AMISOM and its contingents from the earliest days of the mission.

32. As the responsibilities of the United Nations in support of AMISOM increased, so did the financial requirements. Partners provided considerable amounts of assistance to AMISOM, either bilaterally or through the United Nations trust fund established pursuant to resolution 1863 (2009). The European Union provided substantial financial support through its African Peace Facility, primarily to pay for troop and police allowances, salaries for civilian staff and the operational costs of AMISOM offices in Nairobi and Mogadishu. Numerous donors provided funds to the AMISOM trust fund, although in the early days of the mission most of the funds were earmarked for non-lethal assistance. Before the deployment of UNSOA, logistical support was provided by a third-party provider contracted by a partner country. To meet equipment gaps in AMISOM contingents, a number of partner countries have donated or lent equipment, whether to AMISOM or to individual troop-contributing countries. Partners also provided predeployment training to some AMISOM contingents, and one, the United States of America, implemented a support programme that provided counter-terrorism training and personal protective equipment to enhance the ability of AMISOM troops to fight Al-Shabaab. In addition, advisers have been provided by the United Kingdom of Great Britain and Northern Ireland and the United States to AMISOM in such areas as intelligence, communications and infrastructure since 2010 and 2011, respectively.

33. A senior leadership coordination forum has been established to ensure that senior leaders in the United Nations Assistance Mission in Somalia (UNSOM) and AMISOM agree on common strategic priorities, which can be translated into coordinated operational-level planning, supported by UNSOS. This is intended to allow the prioritization of the support provided by UNSOS to AMISOM and UNSOM, which will be measured against quantifiable performance indicators, as well as wider coordination between AMISOM and UNSOM in their respective activities.

African-led International Support Mission in Mali

34. When the African Union deployed the African-led International Support Mission in Mali (AFISMA) in Mali in 2013, it requested a logistical support package along the lines of UNSOA, a request that was rejected by the Security Council. The Council, however, in its resolution 2085 (2012), requested the Secretary-General to establish a trust fund to support AFISMA. That resolution also established the United Nations Office in Mali (UNOM) to provide, inter alia,

[15] Security Council resolution 2036 (2012).

"support to the planning, deployment and operations of AFISMA". A small planning element was deployed as part of UNOM. UNOAU and the Office of the United Nations High Commissioner for Human Rights (OHCHR) provided planning support to AFISMA within the framework of the Mali Integrated Task Force. OHCHR also provided technical assistance and training. Monies from the trust fund were intended to be utilized to provide critical equipment to AFISMA troops and police, although long procurement lead times resulted in the arrival of most of the equipment after AFISMA had already transitioned to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). The trust fund was also used to implement a humanitarian mine action project in coordination with AFISMA.

35. During the deployment of AFISMA, several countries provided bilateral assistance, either to AFISMA or to its troop-contributing countries. Several partners provided planning officers to AFISMA headquarters and liaison officers to AFISMA units. Support was also provided for the development of the harmonized joint concept of operations. Partner countries helped to address critical gaps in strategic lift, equipment and self-sustainment capabilities among AFISMA troop-contributing countries. The French Operation Serval (January 2013-July 2014) was critical not only in supporting AFISMA contingents in northern Mali but also in providing a security umbrella that facilitated the delivery of international assistance. In general, bilateral partners were more interested and able to provide "one-off" assistance, as opposed to taking on ongoing support commitments.

36. AFISMA benefited from considerable external financial assistance. The European Union used its African Peace Facility to provide funds for troop allowances and to strengthen the capacity of the Economic Community of West African States. Notably, some African countries pledged $50 million to support both AFISMA and the Malian national security forces, although an estimated $10 million was received by the time AFISMA transitioned into MINUSMA in July 2013. Partners from outside Africa also provided funds to the AFISMA trust fund.

African-led International Support Mission in the Central African Republic

37. The African-led International Support Mission in the Central African Republic (MISCA) was established in October 2013 and had similar requirements as AFISMA. The United Nations, through UNOAU, provided technical expertise for the pre-planning assessment missions to the Central African Republic and the strategic-level planning for MISCA. The United Nations also participated in African Union-led assessment missions starting in April 2013 and joint transition planning missions from February 2014. Following the presentation to the Security Council of detailed options for international support to MISCA on 15 November 2013, the United Nations deployed a support team to provide technical assistance to the Mission. After the Council authorized the deployment of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) in April 2014, the support team served as the nucleus of the transition team. Much of the United Nations support was delivered through the United Nations Integrated Peacebuilding Office in the Central African Republic, which was already on the ground and was subsumed into MINUSCA. The United Nations also helped to strengthen the capacity of MISCA to effectively fulfil its protection of civilians

mandate by helping to set up information-sharing mechanisms, shaping the MISCA operational response to identified protection issues and occasionally undertaking joint protection actions.

38. A trust fund was established in December 2013, and the funds received were used primarily for communications and information technology requirements, although some were also used to procure catering and kitchen equipment. Much of the equipment came from the United Nations strategic deployment stocks in the United Nations Global Service Centre in Brindisi, Italy, although some of the equipment did not arrive until after MINUSCA had deployed.

39. Partners deployed military and civilian experts to support MISCA, primarily in the areas of command and control, mission administration and information and communications technology. The MISCA strategic concept was developed jointly by the African Union and the Economic Community of Central African States with support from experts provided by other partners. The European Union provided funds for troop and police allowances, salaries for civilian personnel and operational costs such as facilities and infrastructure, transport and medical services through its African Peace Facility. Considerable assistance was required from various partners to meet critical equipment and self-sustainment capability shortfalls among MISCA troop-contributing countries. The French Operation Sangaris provided medical assistance, including access to a level II field hospital and medical evacuation support, and tactical airlift.

40. During the transition period but before the rehatting and transfer of authority from MISCA to MINUSCA in September 2014, MINUSCA provided training to MISCA personnel in the areas of human rights, child protection, sexual and gender-based violence, safe disposal of unexploded ordnance, and weapons and ammunition management. It also trained 30 new staff officers deployed to MISCA headquarters. In parallel, African Union human rights observers who were deployed in the Central African Republic received United Nations training on human rights standards and methodologies, as well as technical support for their monitoring and reporting activities.

Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army

41. The United Nations also provides support to the Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army established in late 2011, which includes the African Union Regional Task Force, a multinational military force mandated to neutralize the threat posed by the Lord's Resistance Army (LRA) in the affected areas. While the United Nations Regional Office for Central Africa is mandated to coordinate the implementation of the regional strategy to address the threat and impact of LRA, UNOAU provided support in such areas as planning and public information. Other United Nations missions in the region also provide assistance, including support to the establishment of the Initiative's joint operations centre, information sharing and providing logistical support within their existing mandates and resources. The Department of Political Affairs of the United Nations Secretariat provided financial support for meetings of the Initiative's Joint Coordination Mechanism.

42. The United States supports the Initiative through the contribution of special forces and military advisers and in such areas as logistics, intelligence, training, equipment and tactical airlift. It also provides bilateral assistance to United Nations missions in the region to strengthen efforts in LRA-affected areas. The European Union provides funds for the Joint Coordination Mechanism secretariat, the organization of meetings and the payment of staff allowances.

Multinational Joint Task Force

43. The Multinational Joint Task Force was established by members of the Lake Chad Basin Commission and Benin in 2015 and mandated to, inter alia, neutralize Boko Haram. The United Nations Secretariat facilitated access by the African Union Commission to vendors on the same terms and conditions available to existing United Nations systems contracts for the acquisition of vehicles, communications equipment, personal protective equipment and medical equipment. UNOAU provides technical support through expertise to the African Union in its efforts to fully operationalize the headquarters of the Task Force. At the request of the African Union, OHCHR temporarily deployed a human rights adviser to support the African Union's Task Force start-up team.

44. To date, most of the costs associated with the deployment of Task Force troops have been borne by its troop-contributing countries. Additional funds are being provided by the European Union, through its African Peace Facility, to support the Task Force strategic and sector headquarters, including payment for costs related to stipends for staff officers, command and control systems, communications, intelligence and medical support. Other partners provide bilateral assistance through training, equipment and logistical support to the Task Force troop-contributing countries; assign advisers to the Task Force cooperation and liaison cell; as well as support the operation through information sharing. The United States also provided strategic lift for communications equipment transferred to the Task Force after the closure of MISCA.

African Union missions in the Comoros

45. The four African Union missions in the Comoros, namely the African Union Observer Mission in the Comoros (MIOC, 2004), African Union Mission for Support to the Elections in the Comoros (AMISEC, 2006), African Union Electoral and Security Assistance Mission in the Comoros (MAES, 2007-2008) and Operation Democracy (2008), are notable in that no support was requested of or required from the United Nations. Many of the troop-contributing countries for each of those missions, most notably South Africa, which was the main contributor to AMISEC and MAES, bore most of the costs of their own deployments or were supported by other African countries. For example, Libya supported the deployment of Sudanese troops to Operation Democracy. The European Union provided funds to support the deployment of troops by meeting costs related to allowances, rations, medical support and insurance for MAES. External partners also provided support to Operation Democracy in the form of logistical support and sealift to the Tanzanian contingent.

D. Assessment of different types of support provided

Technical assistance

46. Planning capacity for African Union peace support operations, both at the headquarters level and in the field, has routinely required external support. Technical assistance from both the United Nations and other partners, particularly in the form of planning support, was provided to the African Union in the planning for AMIS through the Integrated Task Force on Darfur. Partners provided technical expertise for mission planning as part of the African Union's integrated task forces for most of the subsequent African peace support operations. That support usually helped to develop plans and concepts of operations and improve mission administration and command and control systems.

47. Technical assistance, however, was not without its own challenges. Frequently, external planners provided by the United Nations and other bilateral partners significantly outnumbered African Union planners, undermining African ownership of planning processes. Nor were external planners always well sighted on the problems facing missions. At times, competing demands also undermined the effectiveness of United Nations technical support. In the Central African Republic, the same team that assisted MISCA also later formed the core of the MINUSCA planning team. While this was an efficient means of using limited resources, it nevertheless diluted the team's ability to focus on meeting African Union requirements effectively during the transition phase. Initially, joint assessment and planning processes in UNAMID were found to be time-consuming exercises that undermined the rapid deployment of the Mission. However, this improved in subsequent missions. The lessons learned exercise following the Central African Republic and Mali transitions emphasized the importance of early engagement by the two organizations in joint assessments and planning. Joint assessment teams have also been regularly used in Somalia for the planning and development of concepts of operations.

48. Technical expertise for planning, deployment and operationalization of protection mandates has required support from the United Nations at both the headquarters and field levels. To date, however, overall support to the African Union in the area of human rights and humanitarian protection has been somewhat ad hoc and limited, despite joint identification of existing gaps. In many cases, support was provided sporadically and late and integrated only as an afterthought, as opposed to being built into the early stages of the planning and deployment of African Union operations. At times, that lack of coordination created tension due to differing expectations, which could have been avoided had a joint planning and preventive approach been adopted. In many cases, technical support on human rights was provided thanks to extrabudgetary contributions or the use of existing resources. That approach has proved unsustainable. It has allowed for neither predictable support in those areas nor the development of an adequate joint strategy to systematically address human rights-related gaps in the African Union and its peace support operations.

United Nations-provided support packages

49. A United Nations "support package" is a broad term used to describe the mandated deployment of a United Nations presence on the ground to provide a range of United Nations planning and mission support capabilities to fill critical gaps in an African Union peace support operation. The term was originally used in the AMIS context for the light and heavy support packages and subsequently in the context of support provided to AMISOM by UNSOA and UNSOS. Support packages, primarily in the form of equipment, were also provided to AFISMA and MISCA through trust funds. Support packages have proved to be a flexible framework through which different types of mission support services are delivered. Historically, United Nations peacekeeping operations have served as the benchmark against which such services are delivered. Support packages also facilitate the application of United Nations accountability and reporting mechanisms so that the African Union Commission has needed to have only minimal capacity to manage those tasks. Importantly, support packages have evolved significantly over time, incorporating a high level of innovation in uniquely non-permissive environments. The Security Council has recognized the positive contributions of UNSOA to supporting the gains made by AMISOM and has underscored that such contributions reflect a deepened partnership between the United Nations, the African Union and Member States.

50. However, support packages often struggle to meet requirements significantly different from those of most United Nations peacekeeping missions. In such cases, the assumptions underpinning mission support to United Nations peacekeeping operations do not reflect the requirements of some African Union missions. In situations where missions are engaged in combat operations, security risks are higher and equipment suffers much greater wear and tear than in more static peacekeeping operations. The consumption rate by such missions of consumables, ranging from ammunition to medical supplies, is also significantly higher than in United Nations peacekeeping operations. In non-permissive operating environments, third-party logistics support providers are often able to deliver flexible and responsive solutions. In fact, the United Nations also relies heavily on third-party contracted logistics providers in Somalia to deliver support to AMISOM, as the security environment precludes the deployment of United Nations civilian staff close to the front line.

51. Missions undertaking kinetic operations, particularly in non-permissive environments, also generally suffer much higher casualties than most peacekeeping missions. In Somalia, for example, the casualties sustained by AMISOM have on several occasions overwhelmed not only the capacity of the Mission and UNSOA but also many of the intensive care units throughout the region. Currently, the United Nations also faces related challenges in Mali, where it struggles to ensure timely medical evacuations, suggesting that current support models are insufficient to meet the requirements of even its own peacekeeping operations.

Hybrid model

52. The hybrid model, as applied in the Darfur context, takes advantage of the respective roles of the African Union and the United Nations with respect to the Sudan. The African Union spearheads the political process in support of peace in

Darfur and the Two Areas, through the engagement of the African Union High-level Implementation Panel on the Sudan and South Sudan and the Peace and Security Council. The United Nations supports the operations of UNAMID, which is focused on the protection of civilians, mitigation of intercommunal violence, and dialogue and reconciliation on the ground. Notwithstanding challenges related to the management and oversight of the Mission by two organizations, the model has brought together the resources of both entities in response to the significant obstacles that remain in Darfur, including continued fighting and violence, lack of freedom of movement, and other impediments.

Partner-provided logistical support

53. For a number of African Union peace support operations, logistical support was provided by partners, either directly by their military forces or by companies contracted by them. This included strategic lift to contingents, logistics support, medical support and the contracting of third-party logistics providers for AMIS and AMISOM. In many cases, such support was able to capitalize on existing arrangements established by partners to support their own military activities in Africa, therefore allowing them to respond rapidly to requirements from African Union missions.

54. In general, partners were more willing to directly provide one-off support, such as strategic lift and equipment procurement for military and police contingents. For ongoing requirements, partners preferred to contract third-party companies. The logistical support provided by those companies has proved to be very flexible and responsive; in AMIS, for example, the contractor in question was originally responsible only for handling camp construction and management for AMIS, but when the need arose it was able to very quickly expand the range of services provided to include medical support and the rental and operation of fixed-wing aircraft for the mission.

Training and equipment support

55. A common feature of all African Union peace support operations is the capability gaps within their uniformed components. Nearly every African Union operation has suffered from a shortage of enablers such as engineers, medical and military aviation units and intelligence capabilities. More fundamentally, the troops deployed were often poorly trained and ill equipped. A joint inspection of AMIS conducted in September 2007 found that its units lacked the expected equipment and were reliant on donor-contracted support. Such shortfalls persisted under UNAMID. Similarly, most MISCA and AFISMA military and police contingents did not meet basic equipment standards, and despite the granting of grace periods of six and four months, respectively, most units in both the Central African Republic and Mali still had equipment, operational and self-sustainment capabilities below the minimum essential requirements long after they were rehatted. Some AMISOM contingents also suffered from similar problems. In both UNAMID and AFISMA, many of the troops deployed did not have the expertise or equipment required to operate in the desert environments that formed the majority of their areas of responsibility.

56. Efforts to enhance the capabilities of units once they are already deployed in a mission area have been extremely labour- and resource-intensive for mission support components. Their effectiveness in ensuring that units are actually able to undertake and sustain the tasks expected of them has been limited. Partners spend a considerable amount of money to provide equipment to help to address shortfalls. However, the donation of equipment often brings beneficiary units up to equipment standards only on paper. In the Central African Republic, Mali and Darfur, contingents were often unfamiliar with how to operate, let alone maintain and repair, donated equipment.

57. Indeed, many of the equipment and training shortfalls faced by some African troop-contributing countries are recurrent in nature and cannot be effectively remedied once a unit has deployed to the mission area. Training provided by troop- and police-contributing countries is often tailored to national requirements and does not encompass the full spectrum of skills required in contemporary peace support operations. However, some peacekeeping training centres in Africa have signed memorandums of understanding with the African Union to support it in improving the training of troops and individuals deploying to peace support operations. Some bilateral partners also provide predeployment training to African units, although there is often a lack of visibility as to whether the units trained or equipment donated are subsequently deployed to peace operations. Some partners recognize those shortcomings and currently focus on developing institutional capacity in such areas as logistics. The United Nations has also provided training to troops, including those slated to be rehatted into United Nations peacekeeping operations. In the Central African Republic, for example, the United Nations provided training in such areas as human rights, child protection and sexual and gender-based violence, although it was of limited effectiveness.

Financing

58. The following mechanisms have been used in the past to finance African Union peace support operations: (a) African Union assessed contributions; (b) the bearing of costs by African Union troop- and police-contributing countries; (c) voluntary contributions; (d) support packages financed through United Nations assessed contributions; and (e) a combination of the above.

59. To date, however, African Union peace support operations have relied heavily on voluntary contributions. Voluntary contributions have included direct bilateral contributions, such as the extensive support provided by the European Union through its African Peace Facility, as well as through contributions provided to trust funds. While donor financing through trust funds may not always be predictable or sustainable and has not been able to cover all requirements of peace support operations in the past, trust funds have been a flexible means of meeting targeted requirements, particularly when used to supplement other types of support. Many of the delays experienced in the past with providing support through United Nations trust funds have less to do with the management of the trust fund and more with the lengthy United Nations procurement lead times. Donor coordination can also be challenging, and effective use of trust funds requires a strong donor coordination capacity.

60. Reliance on externally provided funding undermines ownership by the African Union and poses risks to missions, especially where mission design might be constrained by financial considerations. Most fundamentally, where missions are entirely reliant on external funding, the withdrawal of that funding can cripple them. In the case of AMISOM, where the European Union provides assistance in funding troop stipends, the African Union Commission has reported that delays in the dispersal of funds, as well as the reallocation of funds to support other activities, have affected the morale of AMISOM troops. In a number of cases, funds provided to trust funds managed by the United Nations were not used to address priority areas identified by the African Union. In many cases, this was due to earmarks and caveats applied by partners, many of which reflected the political priorities of partners, while others stemmed from the need to meet national fiduciary controls. Some of the issues related to expectations management and prioritization could be addressed if funds were to be provided to African Union-managed trust funds instead of United Nations-managed trust funds, as this would give the African Union greater control over the funds and visibility of any caveats imposed. To do so, however, the African Union would need to improve its financial governance structures and procurement systems.

IV. Related considerations

A. Mandates and doctrine

61. African Union and United Nations missions have sometimes carried out different types of mandated tasks. Specifically, the African Union has proved willing to engage in counter-insurgency and counter-terrorism operations that the United Nations remains reluctant to undertake as part of its peacekeeping operations. Those differences have provided opportunities to share burdens and develop pragmatic responses to crises based on each organization's comparative advantages.

Primacy of politics

62. It is important to note that both organizations recognize what the High-level Panel on Peace Operations called the "primacy of politics": that it is political solutions that end conflicts and not simply the deployment of more peacekeepers (A/70/95-S/2015/446, para. 43). Consequently, peace operations are effective when they are part of a clear and viable political strategy to resolve the crisis in question. It also means that support for African Union operations requires a frank dialogue between the two organizations, that is, the Secretariat, the Commission and the respective memberships, on the nature of the conflict, an integrated political response and the role of the peace operation. These are key aspects of the draft Joint Framework for an Enhanced Partnership in Peace and Security between the two organizations, which is in the process of being developed. The political leadership of the peace process may vary on a case-by-case basis, based on the comparative advantages of the stakeholders, but evolving arrangements for supporting African Union missions present an opportunity to strengthen political coordination and coherence, including more predictable and systematic engagement between the United Nations Security Council and the African Union Peace and Security Council.

Comparing African Union and United Nations doctrines

63. The African Union and the United Nations have both taken steps to develop relevant peace operations doctrine. However, recent Security Council mandates have resulted in ambiguity and confusion as to the meaning of key concepts, such as impartiality and stabilization, and have generated debates over whether United Nations peacekeepers should undertake counter-terrorism activities and how they can counter asymmetric threats.

64. The African Union draft doctrine on peace support operations was developed around the six scenarios envisaged for the African Standby Force, which range from military advice to a political mission, and from small observer deployments to traditional and multidimensional peacekeeping missions, robust peacekeeping and military intervention to stop atrocity crimes. Scenarios 1 to 5 involve missions that largely conform to the basic principles of United Nations peacekeeping, whereas scenario 6 involves military intervention to stop atrocity crimes. While the doctrine defines African peace support operations as distinct from fighting war, in practice, African Union missions in Mali and Somalia have explicitly designated enemy groups. So too have the Regional Coordination Initiative for the Elimination of the Lord's Resistance Army and the Multinational Joint Task Force. Those operations fall outside the current scenarios but are in accordance with the Constitutive Act of the African Union and other normative and legal frameworks.

Table 3
Conflict and mission scenarios of the African Standby Force

Scenario	*Description*
1	African Union/regional military advice to a political mission
2	African Union/regional observer mission co-deployed with United Nations mission
3	Stand-alone African Union/regional observer mission
4	African Union/regional peacekeeping force for Chapter VI and preventative deployment missions
5	African Union peacekeeping force for complex multidimensional peacekeeping mission
6	African Union intervention (e.g. genocide situations where international community does not act promptly)

65. In contrast, the 2008 "capstone doctrine" states, and United Nations Member States have repeatedly reaffirmed, that United Nations peacekeeping is based on three basic interrelated and mutually reinforcing principles: consent of the main parties to the conflict, including the host country Government; impartial implementation of mandates without favour or prejudice to any party; and non-use of force except in self-defence and defence of the mandate. United Nations

peacekeeping operations have for the most part deployed after a ceasefire or political agreement is established to assist in its implementation.

66. However, several recent United Nations peacekeeping operations in Africa have stretched those basic principles. Several United Nations missions have engaged in offensive military operations, most notably the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo,[16] although the United Nations Security Council has emphasized the exceptional nature of such practices. In addition, the fact that United Nations peacekeepers have been mandated, in certain cases, to support government forces and to facilitate the extension of State authority in contested regions has meant that the Organization has moved beyond its traditional approach on impartiality. Moreover, the traditional practice of excluding troop- and police-contributing countries from neighbouring countries with potential interests in the conflict has been eroded. Such examples suggest that the mandating practices of the Council are no longer fully aligned with the capstone doctrine. As the High-level Panel on Peace Operations noted, while the basic principles of United Nations peacekeeping remain important for operations engaged in observing ceasefires and implementing peace agreements, they "should never be used as an excuse for failure to protect civilians or defend the mission proactively" (A/70/95-S/2015/446, para. 125).

Operational and legal considerations for supporting combat operations

67. Where the United Nations has provided various types of support to African missions undertaking combat operations, new considerations have arisen. There has been very little practice, and doctrinal issues are not fully resolved. It is possible that operations providing certain types of support to such operations could result in the United Nations peacekeeping operation being considered a party to an armed conflict, with possible consequences for the legal status of the operation and its members.

68. In accordance with the United Nations human rights due diligence policy on United Nations support to non-United Nations security forces (A/67/775-S/2013/110, annex), United Nations support cannot be provided where there are substantial grounds for believing that there is a real risk of the recipient committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures. Given the difficulty of appropriately investigating and prosecuting perpetrators of grave violations of international humanitarian, human rights or refugee law in combat operations, significant investment should be made in measures and mechanisms to prevent such violations.

69. In addition, existing United Nations administrative frameworks struggle to meet the requirements of current United Nations peacekeeping missions. For the United Nations to effectively support African Union peace support operations, especially those engaged in peace enforcement or military counter-terrorism activities, significant changes to its existing administrative processes, policies and procedures are required. Moreover, supporting combat operations undertaken by multinational regional forces authorized by the African Union, such as the Regional

[16] See Security Council resolution 2098 (2013), para. 12 (b).

Coordination Initiative for the Elimination of the Lord's Resistance Army and the Multinational Joint Task Force, may give rise to further challenges. In such missions, States can simultaneously be troop-contributing countries and host States. Supporting such regional operations would entail helping national security forces defeat designated enemies on their home territory, a clear break from some of the fundamental assumptions that underpin United Nations mission support. It would also break new ground if those regional forces operated without a unified system of command and control exercised from a designated multinational force headquarters. This would also raise a number of significant challenges to the effective implementation of the human rights due diligence policy.

70. Finally, where offensive military operations are necessary, debate continues over whether they are best conducted within or alongside an existing United Nations peacekeeping operation. To date, none of the peace support operations mandated or authorized by the African Union have been deployed alongside a United Nations peacekeeping operation except during brief transition periods, but there have been cases where African forces have deployed alongside a United Nations special political mission. The idea of deploying parallel United Nations and African regional forces has been discussed in the Democratic Republic of the Congo (2013), Mali (2015) and South Sudan (2014 and 2016). So far, proposals for parallel forces have either stalled or resulted in the additional personnel being integrated into the command and control structure of the existing United Nations peacekeeping operations, although there may be both advantages and disadvantages to deploying parallel operations in the same operational theatre.

B. Safety and security

71. Safety and security considerations related to the provision of support are particularly relevant, since the African Union regularly requests United Nations assistance for peace support operations deployed in non-permissive environments. In two recent examples, the Central African Republic and Mali, the number of hostile acts against United Nations peacekeepers immediately increased following the transfer of authority from African Union peace support operations to United Nations peacekeeping missions. Two factors that contributed to that spike were the inherent safety and security challenges in those missions and the lack of sufficient security infrastructure in place prior to the transfer of authority.

72. Safety and security are critical considerations for any organization, both for supporting the effective execution of mandates and in fulfilling its duty of care to its personnel. After the bombing of the Canal Hotel in Baghdad in August 2003, which resulted in the deaths of 22 United Nations personnel, the United Nations took steps to enhance its policies and procedures related to safety and security. The United Nations security management system, led by the Department of Safety and Security of the Secretariat and coordinated through the Inter-Agency Security Management Network, is intended to protect personnel while enabling operations. The African Union is not covered under the system and does not have an analogous system that defines how it addresses the safety and security of its civilian staff. However, with the support of UNOAU, the African Union started undertaking security assessments of its office and accommodation facilities as part of its mission start-up process in

the Central African Republic and Mali; established basic operating security standards, which are similar to the minimum operating security standards used by the United Nations; and is currently developing a security plan for AMISOM. UNOAU is currently facilitating discussions on a memorandum of understanding between the African Union and the Department on modalities for cooperation between the two entities in the areas of safety and security.

73. Two main factors affect the safety and security of United Nations personnel deployed in support of or alongside African Union peace support operations: the first, and more intuitive, is the general permissiveness of the operating environment. Areas where there is active fighting, asymmetric threats against the United Nations or a high level of criminality are inherently more dangerous for personnel. The second is the range of mandated tasks undertaken by a mission. Where a peace support operation is mandated to perform tasks that fall outside the basic principles underpinning United Nations peacekeeping missions, the safety and security of both the operation and any United Nations personnel supporting it may be affected.

74. The United Nations has measures in place to mitigate risks to allow it to "stay and deliver". Through its programme criticality framework, it has a decision-making tool for determining the acceptable level of risk in undertaking different activities. A number of measures can be undertaken to mitigate some of the security risks of United Nations personnel deployed in support of African Union peace support operations. The first is ensuring that mission planning, including for mission support, is underpinned by a comprehensive understanding of the security situation. Similarly, a robust information collection and analysis capacity is required within missions to help them to monitor and counter threats to mission personnel and maintain situational awareness. The absence of a strong capability along those lines in AMIS and AMISOM, for example, reduced the ability of the missions to protect themselves and civilians. Equally important is the need to support the African Union in developing its own security management systems in line with global best practices to ensure that the safety and security risks to both African Union and United Nations personnel deployed in support of African Union missions are reduced.

75. Sufficient protection capabilities are also required. In a United Nations peacekeeping mission, most of the requirements for physical security are met by the military and police components of the mission. However, United Nations civilian personnel deployed in support of or alongside an African Union peace support operation may be unlikely to have their own force protection capacity and may have to rely on the African Union for protection. For their part, African Union troops may not always be sufficient to protect United Nations personnel in more challenging security situations. In Somalia, for example, UNSOA and UNSOM relied on private security inside the AMISOM protected area in Mogadishu to provide an additional layer of protection for its personnel prior to the deployment of a United Nations guard unit to UNSOM in 2014. Ultimately, measures such as private security companies are not a panacea for the safety and security challenges faced by the United Nations in supporting African Union peace support operations.

76. Mitigation measures may facilitate the deployment of a United Nations civilian presence in an inherently non-permissive environment where security threats are general and not directly aimed at the United Nations. However, recent

experience in Somalia and elsewhere demonstrates that there are practical limits to the support that a United Nations presence can provide when the United Nations itself is targeted owing to its support for a weak host Government or a regional mission with a counter-insurgency or counter-terrorism mandate.

C. Accountability

77. As part of its call for the United Nations to forge a vision for a stronger global and regional partnership for peace and security, the High-level Panel on Peace Operations envisioned a framework for partnership that would include "modalities for capacity enhancement and burden-sharing, as well as mechanisms for monitoring and accountability" (A/70/95-S/2015/446, para. 61 (c)). For both the African Union and the United Nations, the trust and buy-in of member States and partners depends on accountability mechanisms that ensure compliance with governing legal norms and principles and the proper use of resources towards the implementation of the mandate. Whereas those mechanisms have been developed in the United Nations over multiple decades, the African Union has not yet established systematic accountability mechanisms for its peace support operations, beyond financial management issues.

78. In the area of finance and administration, United Nations peacekeeping operations are governed by extremely detailed financial and staffing regulations and rules (ST/SGB/2013/4 and ST/SGB/2016/1, respectively). Moreover, the budgetary committees of the General Assembly play a key role in shaping the mission, closely scrutinizing proposed budgets and holding missions to account for their implementation. Historically, African Union rules have been less stringent and the level of scrutiny significantly lower. However, the African Union has recently taken steps to improve accountability and transparency through revisions to its staffing and financial rules, including through the introduction of programme audits and budget performance reports. The European Union and the World Bank are currently supporting those efforts to bring African Union financial and procurement systems up to international standards.

79. In the area of operational readiness, the United Nations has mechanisms for holding troop- and police-contributing countries to account for the performance of contingents, including an operational readiness assurance framework and the contingent-owned equipment and personnel reimbursement systems. The latter currently includes elements related to on-the-ground performance and capability. By contrast, standardization of troop preparation and training or "fit for purpose" criteria for equipment and enablers have yet to be designed in the African Union.

80. In the area of command and control, United Nations policy outlines the roles of the Security Council, Secretariat departments and the civilian and military leadership in theatre, at the strategic, operational and tactical levels, including the control of military enabling units, responsibility for safety and security and reporting. However, the United Nations has also experienced many challenges in ensuring compliance with command and control arrangements or preventing troop-contributing countries from placing caveats on their operations. Moreover, it is no surprise that troop-contributing countries are particularly reluctant to relinquish

operational control over their contingents in the non-permissive environments in which the African Union often deploys.

81. In the area of international human rights and humanitarian law, the African Union, like the United Nations, is obliged to comply with international human rights and humanitarian standards, including in relation to sexual exploitation and abuse and other serious international crimes. Where violations of international human rights or humanitarian law amount to crimes under domestic or international law, the individual criminal responsibility of the alleged perpetrators must be investigated and established, including on the basis of command or superior responsibility. Impunity cannot be tolerated. As in the case of United Nations peace operations, there has been a general lack of accountability for serious crimes and violations of international human rights and humanitarian law committed by peacekeepers in African Union operations. The United Nations is currently developing policies and mechanisms and cooperating with national and international judicial bodies to improve accountability in its operations. African Union operations have yet to develop such policies and mechanisms.

82. Regarding the conduct of personnel, there have been significant failures in both African Union and United Nations operations with respect to high numbers of allegations of sexual exploitation and abuse. Recognizing the complications arising from the different responsibilities of mission leadership and national contingents, the Security Council adopted resolution 2272 (2016), focusing on the responsibility of contributing countries to investigate allegations and hold their personnel accountable. In that resolution, the Council also urged all non-United Nations forces authorized under a Council mandate to take adequate measures to prevent and combat impunity for sexual exploitation and abuse. The Secretary-General has developed operational guidance that includes standards for force generation in relation to conduct and human rights. He has indicated his intention to reflect expectations in relation to his zero tolerance policy in cooperation agreements with the African Union (A/70/729, para. 82) and has started to issue public reports to tackle the issue. The African Union has made some progress in this regard, including in the development of policies and the hiring of a chief ethics officer, but has limited dedicated capacity in this area.

83. Inevitably, the aforementioned issues have affected the performance and conduct of African Union operations and hence the level of confidence of African Union member States, contributing countries and partners therein. Improvements in accountability are therefore needed irrespective of the modalities for financing African Union peace support operations.

Reporting and oversight

84. In the case of operations funded by the United Nations, accountability mechanisms are not merely good practice; such operations have an obligation to comply with specific United Nations resolutions, regulations, rules and ethical standards and international human rights and humanitarian standards. With respect to financial and administrative rules, the Advisory Committee on Administrative and Budgetary Questions and the General Assembly review budget implementation for United Nations operations through the consideration of budget performance reports and reports of the Board of Auditors. To date, the use of assessed contributions for

African Union operations has applied only to the model of a hybrid operation (UNAMID) or "support package" (AMIS, AMISOM) in which United Nations accountability and reporting mechanisms automatically applied to the activities undertaken by United Nations personnel. Such an arrangement has obviated the need for the African Union Commission to build its capacity to manage budgets and report on spending or to go through the United Nations budgetary process. In the case of an African Union operation benefiting from financial support without a strong United Nations presence in theatre, the African Union would need to undergo a significant strengthening of its capacity to undertake the United Nations budgetary process.

85. However, it is also important to acknowledge a key tension between two different forms of accountability: accountability for mandate delivery and accountability for compliance with United Nations administrative and financial procedures. As numerous reviews since the Brahimi report have noted, United Nations rules and systems are out of sync with the complex and fast-paced nature of contemporary field operations. Despite the unpredictability and urgency of most peacekeeping environments, United Nations peacekeeping budgets are developed a year in advance and missions have limited ability to redeploy resources. Civilian recruitment and procurement processes regularly take between 6 and 12 months to complete. In response to the report of the High-level Panel on Peace Operations, the Secretary-General has initiated a multi-year review of administrative processes, policies and procedures with a view to making them fit for purpose for the field. Implementing such reforms will require political will on the part of Member States. This is especially the case for African Union operations, given that the African Union has been more willing to deploy at a much faster pace than the United Nations and often in more difficult environments.

86. For United Nations operations, the Secretary-General must also submit to the Security Council substantive reports encompassing all aspects of the mandate and evolution of the situation. In many cases where the Council has authorized non-United Nations forces, such as those undertaken by the European Union and NATO, there has also been a practice of regular reporting. The inconsistent record of reporting on AMISOM has been a source of frustration in this regard and reflects a gap that needs to be addressed. All the more so, since reporting and monitoring are not only matters of accountability but also essential for encouraging a constructive dialogue between the African Union and United Nations.

D. Human rights due diligence policy

87. The nature of African Union peace support operations, especially of high-intensity ones, has often posed challenges in terms of planning and conducting them in compliance with international human rights, humanitarian and refugee standards. The African Union has little capacity at its headquarters to devise and implement effective measures and mechanisms to reduce the risk of and address human rights violations in its peace support operations.

88. There is a higher risk of human rights and international humanitarian law violations in the context of counter-terrorism or peace enforcement operations. The consequences of such violations may be even more damaging to the ultimate

success of such operations than for peacekeeping operations. This is particularly true for counter-terrorism activities, as collateral damage is likely to promote and encourage resentment towards security forces and increase sympathy for, and possibly recruitment by, terrorist groups, therefore increasing the overall threat to the mission.

89. Support by United Nations entities to non-United Nations security forces must be consistent with the Organization's purposes and principles, as set out in the Charter of the United Nations, and with its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law. Consistent with those obligations, United Nations support cannot be provided where there are substantial grounds for believing that there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures. This is reflected in the human rights due diligence policy, promulgated by the Secretary-General in 2011 and welcomed by the Security Council and the General Assembly.

90. The United Nations experience in implementing the human rights due diligence policy when supporting African Union missions has so far been limited to AFISMA, MISCA and AMISOM. In the case of AFISMA and MISCA, the policy was only partially implemented, owing to the time sensitivity of support to the two missions and their relatively short duration. With regard to AMISOM, mechanisms under the policy are currently in place and cover, inter alia, training, selection and screening of troops, monitoring and accountability. On monitoring, the AMISOM Civilian Casualty Tracking, Analysis and Response Cell, primarily a preventive internal monitoring tool, has yielded improvements but has yet to be fully staffed.

91. The United Nations system has been approached to provide support to the Multinational Joint Task Force, which raises the challenge of application of the human rights due diligence policy in the context of multinational forces. Although the African Union authorized the Task Force, it has limited control over its operations, and hence institutionalized African Union-United Nations partnership arrangements are of limited utility. The lack of relevant United Nations field presence in the specific theatre of operations is also an important obstacle because it does not allow for a proper human rights monitoring and reporting mechanism as required under the policy.

92. The experience of applying the human rights due diligence policy has generated important lessons for future support to African Union peace support operations. First, operations engaged in counter-terrorism or counter-insurgency tasks pose additional challenges for application of the policy, both because of weaknesses in command and control and the limited United Nations presence on the ground. Second, policy implementation provides a space to support the compliance of African Union peace operations with international human rights and humanitarian standards. However, this works best when the measures and mechanisms to ensure African Union missions' compliance with such standards are integrated as early as possible in the planning process, which requires a strong partnership between the African Union and the United Nations. In particular, information regarding the selection of contributing countries and other issues that may influence the human rights dimensions of operations needs to be communicated to the United Nations as

early as possible in the planning phase to ensure that potential constraints on United Nations support can be identified and addressed.

V. Concluding observations

93. The African Union-United Nations partnership on peace operations remains essential to responding to common challenges posed by armed conflicts in Africa. Faced with unprecedented threats to international peace and security on the continent, the partnership has evolved in innovative ways, with both organizations willing to develop pragmatic solutions to contemporary challenges. Over the past decade, the partnership produced a range of collaborative instruments to ensure joint analysis and planning and to facilitate the alignment of regional and global responses to crisis situations in Africa. This is crucial because peace operations are likely to be most effective when subregional, continental and global responses are part of a coherent political strategy aimed at defusing the crisis.

94. In almost all of the cases surveyed in the present report, the African Union and the United Nations shared similar strategic objectives and developed innovative solutions in order to better pursue their shared objectives. The African Union enjoys relative doctrinal flexibility and has deployed missions with a wide range of mandated tasks, including enforcement operations designed to defeat particular spoiler groups that pose a threat to the political process. However, the African Union's willingness to deploy a wide range of peace support operations has been undermined by a lack of capacity in key areas. At the strategic level, staffing levels in the African Union Commission have been grossly inadequate, in each case, for the effective management of most peace support operations. At the operational level, most African missions have suffered from inadequate staffing. In addition, significant capacity gaps have been apparent in some troop- and police-contributing countries, which sometimes deploy without the capabilities necessary to be operationally effective. The African Union was able to undertake a number of smaller-scale peace support operations characterized by clear mandates and clear objectives without significant levels of external support. However, more complex missions have relied heavily on external partners for support, weakening predictability and ownership. Consequently, it is clear that the African Union must continue to build its capacity to plan, finance, sustain and oversee its own missions, so that it can operate expeditiously and fulfil the expectations of its membership.

95. With regard to assistance provided by partners, the review noted that different partners provided different types of support to African missions. Bilateral partners were generally most interested in providing financial support and technical assistance to missions in such areas as planning, or one-off support to troop- and police-contributing countries in such areas as strategic airlift and equipment. While the amount of bilateral financial assistance was considerable (more than €1.6 billion provided through the European Union African Peace Facility alone until the end of 2015), it proved to be unpredictable and unsustainable over the long term. Moreover, reliance on external sources of funding undermined African ownership and created risks for missions, as the priorities of donors might not be aligned with those of the African Union. On the other hand, logistical support provided directly or contracted by partners proved flexible and responsive in AMIS and the early

stages of AMISOM, when no United Nations support was mandated. However, it is never ideal for a military operation to rely on external sources for its logistical requirements. Bilateral partners also frequently provided training and equipment to meet immediate capability gaps, although the review observed that such support was often ineffective at improving the capability of contingents once they had been deployed. In many cases, contingents were unable to effectively operate or maintain partner-provided equipment.

96. The review found that the United Nations had provided assistance to most African Union peace support operations. This ranged from technical assistance and various types of mission support tasks to, in the case of UNAMID, the overall management of a hybrid operation. The support provided by the United Nations was different for each mission and, in some cases, had undergone distinct phases. One model in particular, the logistical support package delivered by an in situ United Nations presence, proved to be a flexible and robust framework through which a range of mission support services could be provided by the United Nations, under United Nations regulations, rules and accountability systems. United Nations support systems were found to be best suited for meeting requirements that were most similar to those of peacekeeping operations. However, existing administrative processes, policies and procedures struggled to provide support to a new generation of United Nations peacekeeping missions and were inadequate to meet the requirements of kinetic operations deployed in non-permissive environments, as was the case with many African Union peace support operations.

97. Regarding financial support, the review noted that United Nations-managed trust funds proved useful when supplementing other sources of financing, but were not very successful as the primary means of meeting the costs of support to African Union operations, as they did not provide a reliable funding stream. By contrast, United Nations assessed contributions were an effective means of funding support requirements to African missions in the instances where they were provided. However, reliance on United Nations-managed funds, as with all external funding, carried risks for African Union ownership, which must be weighed by African Union member States. As at 30 June 2016, more than $15 billion in United Nations assessed contributions had been used to finance the light and heavy support packages for AMIS and the budgets for UNAMID, UNSOA and UNSOS.

98. Throughout the review, such issues as safety and security, accountability systems and human rights repeatedly emerged as key considerations that were not always fully understood by stakeholders. In particular, United Nations-provided support could not be seen separately from human rights considerations. The kinetic peace operations conducted by the African Union generally involved greater risks of international humanitarian law and human rights violations. The protection of human rights needed to be integrated into their mandates at the early stages. They required stronger mechanisms to prevent and address international humanitarian law and human rights violations, as well as independent and effective monitoring mechanisms. The African Union had developed or was developing mechanisms to assess and mitigate the risks but still lacked the capacity and expertise, at both the headquarters and mission levels, to effectively implement them.

99. Six general observations have emerged from the findings of the review:

- Access to the United Nations assessed contributions has provided a reliable, predictable and sustainable means of financing the support requirements of African Union peace support operations. Moreover, the considerable innovation shown by the United Nations in supporting the African Union missions in Somalia and the Sudan through assessed contributions demonstrates the potential flexibility of this option.

- The African Union has often acted as an effective first responder to crises before the deployment of a United Nations peacekeeping operation. In such situations, ensuring smooth transitions is likely to remain a crucial part of stabilizing future crisis zones and requires the two organizations to engage in joint planning and analysis from the start. Such deployments, which are most similar to United Nations peacekeeping operations, offer the most straightforward scenario for the provision of support by the United Nations and can build upon the lessons already learned from the transitions in the Central African Republic and Mali.

- In recent years, both the African Union and the United Nations have increasingly deployed into environments that require greater levels of mobility, situational awareness and force protection. The United Nations must therefore revise its own internal administrative processes, policies and procedures to better support modern field operations, whether its own or those of the African Union.

- The African Union needs to strengthen its own administrative and operational frameworks, including by defining its own mission support model. This will in turn guide the United Nations in tailoring its support to African Union peace support operations.

- The Secretary-General has stated that the United Nations should not engage in counter-terrorism activities, and the High-level Panel on Peace Operations concluded that United Nations peacekeeping operations were not suited to engage in military counter-terrorism operations. However, the United Nations has been requested to provide support to African Union peace support operations undertaking counter-terrorism operations. Given the constraints of the existing policies and support mechanisms highlighted in the review, the United Nations must determine the extent to which it can support multinational operations authorized by the African Union engaged in counter-terrorism and counter-insurgency activities and the structures and measures that must be in place to deliver such support.

- The broad range of tasks that African peace support operations have been authorized to undertake means that no single support model and no single actor can adequately deliver the full range of necessary capabilities. It is therefore important that multiple, complementary support options remain available to the African Union. As the case of Somalia demonstrates, if African Union peace support operations are required to conduct offensive operations, multiple support mechanisms that build on the comparative advantages of the United Nations, bilateral partners and the European Union will be required.

100. The joint review focused on the operational and financial support provided to African Union peace support operations. However, the African Union-United Nations partnership in peace and security is much broader and includes joint efforts on conflict prevention, mediation and peacebuilding. Further strengthening of African Union-United Nations capacities to develop these other components of the partnership will be essential in order to make it more effective.

101. The lessons learned from the past 13 years have demonstrated that more decisive and concrete actions are required by the international community to make full use of all the instruments at its disposal. The two organizations should be proud of the pragmatism and innovation that have guided their collaboration over the years. The African Union-United Nations partnership is essential, evolving, innovative and increasingly effective. A division of labour has emerged in which the African Union has increasingly taken on tasks that the United Nations has not been able or willing to undertake. However, the African Union is not yet able to tackle those tasks alone. It is encouraging that the African Union continues to take steps towards financing a greater proportion of its own operations, but it is also critical that African peace support operations authorized by the United Nations Security Council have the support required to effectively address increasingly complex mandates in increasingly challenging environments.

102. Finally, the benefits of collaboration are not merely operational but also political. Peace operations are effective when they are part of a clear political strategy and not only when they have the right support. Political solutions to peace and security challenges are most effective when global and regional responses are aligned. This is the ultimate objective of a strong African Union-United Nations partnership.

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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster

Optimizing the international effort to study, mitigate and minimize the consequences of the Chernobyl disaster

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 68/99 on the strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster, in which the Assembly requested the Secretary-General to submit at the seventy-first session a report containing a comprehensive assessment of the implementation of all aspects of the resolution.

During the period 2006-2016, United Nations agencies and other international organizations have been engaged in the Decade of Recovery and Sustainable Development of the Affected Regions. At the end of 2016, the Decade and the United Nations action plan on Chernobyl to 2016 will come to an end. The present report provides a comprehensive overview of the activities undertaken by the funds, programmes and specialized agencies of the United Nations system to promote recovery from the Chernobyl disaster. It also documents the outcomes of substantive dialogue with technical experts of United Nations agencies and Member States, initiated by the United Nations Coordinator of International Cooperation on Chernobyl, to define a new vision for post-2016 international cooperation on Chernobyl.

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The United Nations system remains committed to supporting the governmental efforts to place the affected regions on a sustainable path of development. Further recovery work will be linked to attaining the Sustainable Development Goals, which should serve as the guiding paradigm for ensuring that no one is left behind. The United Nations family will be guided by the vision for post-2016 international cooperation on Chernobyl, developed in the course of expert meetings in 2015 and 2016.

I. General situation

1. The global community, led by the United Nations, has implemented many recovery initiatives in Belarus, the Russian Federation and Ukraine since the accident at the Chernobyl nuclear plant on 26 April 1986. The efforts began with emergency relief and humanitarian assistance and gradually shifted to capacity-building and sustainable development for the affected regions and communities.

2. During the period 2006-2016, United Nations agencies and other international organizations have been engaged in the Decade of Recovery and Sustainable Development of the Affected Regions. The United Nations action plan on Chernobyl to 2016 was adopted as a framework for the implementation of the Decade. It built on the agencies' mandates and strong partnership with the Governments of the affected countries.

3. During the Decade, the Governments of Belarus, the Russian Federation and Ukraine, in cooperation with the international community, proclaimed the ultimate goal that the area would fully overcome the stigma that it suffered, communities take full control of their lives and normalcy become a realistic prospect. At the end of 2016, the Decade and the action plan will come to an end. The present report documents the activities undertaken by the funds, programmes and specialized agencies of the United Nations system and other relevant actors and stakeholders aimed at recovery from the Chernobyl disaster.

II. Coordination of the work of the United Nations

4. Since 2004, the United Nations Development Programme (UNDP) has been leading Chernobyl-related activities in the United Nations system and facilitating the joint effort of the three affected countries and 12 organizations of the United Nations system. The Administrator of UNDP serves as the United Nations Coordinator of International Cooperation on Chernobyl.

5. The Inter-Agency Task Force on Chernobyl, comprising international agencies under the leadership of UNDP and the three affected countries, serves as a coordinating mechanism for the international cooperation. On 30 May 2014, the Task Force met in Minsk and, on 11 April 2016, at UNDP headquarters in New York. The Administrator of UNDP and the UNDP Deputy Director of the Regional Bureau for Europe and the Commonwealth of Independent States chaired the meetings. Both meetings involved the wide participation of representatives of United Nations agencies, Governments and other organizations. The agencies reported on progress with their recovery efforts and acknowledged numerous examples of the United Nations family delivering as one on Chernobyl.

III. Ongoing United Nations assistance efforts

6. During the reporting period, the Chernobyl-related activities of the United Nations family were organized around the priorities listed in the following sections.

A. Community-based development

7. UNDP focused its programming on local community and economic development priorities, with large-scale area-based and community-based initiatives implemented in Belarus and Ukraine.

8. In Belarus, Chernobyl-affected communities benefited from the Maria Sharapova Foundation Scholarship for Youth from the Chernobyl-affected Areas of Belarus, which was implemented in partnership with the Belarusian State Academy of Arts and the Belarusian State University. It enabled talented students from Chernobyl-affected families and regions to gain better access to high-quality education. A project on sports recovery in the affected regions focused on the restoration of sports facilities in rural areas of Belarus and the Russian Federation. An ongoing UNDP/European Union project to support local development in Belarus is aimed at assisting national counterparts to improve good governance standards through a participatory approach and strengthened dialogue between the authorities, businesses, non-for-profit organizations and citizens. The projects contributed to the following results:

(a) Involvement of at least 11,000 citizens in local decision-making through the implementation of 61 community-based initiatives as part of area-based development activities;

(b) Establishment of six information and communications technology (ICT) centres in affected communities for skills training and the creation of employment opportunities;

(c) Increased market profit by between 5 and 20 per cent for local households in affected regions thanks to support for more efficient agricultural production, better access to markets and better compliance of produce with radiation safety standards;

(d) Opening of 10 radiation monitoring centres in local schools, providing citizens with access to trustworthy information on the Chernobyl legacy and the possibility of conducting radiation tests for berries, mushrooms and agricultural produce at convenient times and locations.

9. In Ukraine, UNDP Chernobyl-related assistance was provided through a recovery and development project, a community-based approach to local development project, the International Chernobyl Research and Information Network and a project on mainstreaming the environment into local strategies in affected areas. The projects contributed to the following results:

(a) A total of 279 community-based organizations, eight ICT centres and three entrepreneur support centres were established, and 190 infrastructure projects were implemented in the most affected communities;

(b) The area-based development approach to local development, piloted by UNDP in the affected regions, became a national best practice. It provided a solid platform for expansion nationwide through the joint European Union/UNDP initiative to support community-led development in rural areas. UNDP-led community-based initiatives have contributed to the sustainable local development of all regions of Ukraine, including those affected by the accident. More than

$40 million has already been invested to support 2,500 community initiatives, with many more under way;

(c) UNDP worked in three affected provinces (Kyiv, Rivne and Zhytomyr), building local planning and decision-making capacity for the improvement of local governance and boosting entrepreneurial activity among the population;

(d) Information on the consequences of the accident in the form of practical advice on healthy and productive lifestyles was effectively disseminated to the residents of the affected areas.

B. Provision of information to affected communities

10. The programme of the International Chernobyl Research and Information Network, a joint initiative by the International Atomic Energy Agency (IAEA), UNDP, the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), implemented with support from the United Nations Trust Fund for Human Security, was successfully completed. It delivered the overall goal of alleviating the social and mental suffering of people living in affected areas in Belarus, the Russian Federation and Ukraine by meeting their information needs. Improved access to information significantly helped people to live safely and productively in those areas and enabled them to implement community-driven recovery initiatives. The Network was successful in addressing a broad range of interconnected issues and responded to multisectoral demands for human security, including those relating to the health, environmental, socioeconomic and cultural spheres. It provided specific and sustainable benefits to the some 200,000 people targeted, with a special focus on vulnerable groups in rural areas.

C. Infrastructure

11. Over the two decades of World Bank cooperation with Belarus, the Russian Federation and Ukraine, the post-Chernobyl agenda has always occupied a place in the country work programmes of the World Bank Group. In Belarus, an effort was made to mainstream the post-Chernobyl agenda in projects supporting the provision of public services. Thus, the Post-Chernobyl Recovery Project (2006-2013, $80 million) contributed to improving the livelihood of 300,000 Belarusians residing in the three affected provinces (Brest, Homyel and Mahilyow), allowing them to have energy-efficient and reliable heat and hot water services. The project reached 300 schools, hospitals and kindergartens with improved lighting and heating, window and door replacements and other energy-efficiency measures. A total of 3,000 homes were connected to a gas system, enabling those households to benefit from an improved, more reliable and affordable heat supply.

12. The World Bank's ongoing water supply and sanitation project is aimed at increasing the efficiency, quality and sustainability of water supply and sanitation services to 1.7 million people, including in the affected areas. An energy-efficiency project is scaling up energy-efficient improvements in heat and power generation for 120,000 people, including in Homyel and Mahilyow. A forestry development project, in addition to enhancing silvicultural management and increasing the use of

felling residues, is aimed at developing a system of support for decision-making concerning forest management in radioactive contamination areas. An education modernization project supports the consolidation of the school network, while improving access to a high-quality learning environment in selected general secondary schools, including in the affected areas.

D. Health

13. The International Agency for Research on Cancer completed its project to develop a strategic research agenda for future Chernobyl studies, funded through the European Atomic Energy Community seventh framework programme.[1] A key to the success of the implementation of the recommendations is the creation, maintenance and follow-up of life-span cohorts. A recommendation was made to set up a mechanism to coordinate and fund studies that would enable an assessment of the overall long-term health effects of the Chernobyl accident. To act upon the findings, in the period 2015-2016, an international group of experts and advisers, under the auspices of the project, carried out a European Union-funded project on cooperation on Chernobyl health research (http://co-cher.iarc.fr/). The group assessed the existing research infrastructure and identified research priorities to form a basis for sustainable future research on Chernobyl. The established international network of institutions and individual experts in epidemiology, clinical medicine, mental health, dosimetry, molecular biology, pathology and risk communication met in subgroups to discuss and agree upon the priorities in their field to develop a research programme. The project brought together key scientists, stakeholders and potential funding partners to agree on the coordinating mechanism, in order to decide on the research priorities and to seek sustainable funding for those priority areas.

14. IAEA supported Belarus and Ukraine in improving the effectiveness of radiotherapy services for oncological patients from the Chernobyl-affected areas. In 2015, the brachytherapy service at the N.N. Alexandrov National Cancer Centre of Belarus in Minsk was strengthened with the installation of dedicated imaging equipment. In Ukraine, national capability in radiotherapy quality assurance was improved through the development of additional equipment and human resources. IAEA also supported Ukraine in improving the national measurement standards through the establishment of a secondary standard dosimetry laboratory to ensure that the national calibration services for radiotherapy dosimetry were traceable to the international measurement system.

15. The Belarusian Red Cross and the Ukrainian Red Cross continue to deliver thyroid and breast screening programmes in close cooperation with national counterparts. In Belarus, two Red Cross mobile medical teams work in the Mahilyow region, screening more than 40,000 people every year. The affected population is also supported with a healthy lifestyle programme.

16. Most recently, the International Federation of Red Cross and Red Crescent Societies (IFRC) worked on building the capacities of national societies in the area of nuclear and radiological emergency preparedness. The lessons from the

[1] See http://arch.iarc.fr/documents/ARCH_SRA.pdf.

Chernobyl and Fukushima disasters led to the development of guidelines[2] addressing the specific challenges that first responders, such as the relief teams of Red Cross and Red Crescent staff and volunteers, will face when a nuclear and radiological emergency occurs.

17. UNICEF in Belarus supported the implementation of State policy on overcoming the consequences of the Chernobyl disaster. It contributed to the capacity development of health professionals and caregivers in affected areas, who were provided with essential, easy-to-understand information on children's health and development in a special edition of the "Facts for life" publication (see http://ffl.unicef.by). Parents of young children in selected affected areas were supported with parenting programmes (counselling, workshops and educational materials) covering aspects of early development, nutrition and health. Created with UNICEF support, information centres at schools continued their activities aimed at raising awareness of radiation safety among children and young people.

18. UNICEF also supported local initiatives on the promotion of healthy lifestyles among adolescents, with a special focus on those most at risk. With UNICEF support, the municipalities adopted child-friendly city strategies to ensure that the voices, needs, priorities and rights of the child were fully upheld. In total, 11 cities in three Chernobyl-affected regions joined the initiative: Brest, Dobrush, Homyel, Horki, Kostyukovichi, Mahilyow, Mazyr, Pinsk, Pruzhany, Shklow and Svyetlahorsk.

19. The needs and interests of children and their families living in affected areas remain the focus of the UNICEF country programme in Belarus. Work will continue on promoting healthy lifestyles and health-securing living practices among children and parents in the affected areas, strengthening a reliable information dissemination network and improving radiation safety knowledge and skills among children and young people through high-quality radioecological advice and education.

20. The United Nations Scientific Committee on the Effects of Atomic Radiation is the body mandated by the General Assembly to assess scientifically the levels and effects of exposure to sources of ionizing radiation. It has been engaged with matters relating to Chernobyl since 1986, issuing major authoritative reports in 1988, 2000 and 2008 on the radiation health and environmental effects of the accident. In collaboration with scientists from Belarus, the Russian Federation and Ukraine, the Committee last submitted a report to the Assembly in 2008, on its updated findings in respect of the health effects caused by irradiation from the accident (see A/63/46). The United Nations published the supporting scientific annexes in English in 2011[3] and in Russian in 2012[4] to facilitate dissemination to those most affected by the accident.

21. Currently, the Committee has no plans to write another specific report on Chernobyl, but continues to follow scientific developments closely to integrate them into its knowledge base on radiation levels and effects. It will also make a small evaluation of the most recent thyroid cancer data in the affected regions, with a view to discussion at its sixty-fourth session, in 2017, and subsequent publication.

[2] See www.ifrc.org/Global/Documents/Secretariat/201602/1296000-NuclearRadio Emer.Guide-Int-EN-LR.pdf.

[3] Available from www.unscear.org/docs/reports/2008/11-80076_Report_2008_Annex_D.pdf.

[4] Available from www.unscear.org/docs/publications/2008/UNSCEAR_2008_Annex-D_Russian.pdf.

To that end, the inclusion of Belarus and Ukraine as full members of the Committee since 2011 has helped to ensure that the scientific lessons can best be used for improving understanding worldwide.

22. The forthcoming health sector modernization project of the World Bank in Belarus will target the rural population with limited access to high-quality health services.

E. Radiation mitigation and standard setting

23. IAEA recently completed two regional projects on the rehabilitation and return to normal radiological environmental conditions of the affected areas. Five relevant national projects were carried out in Belarus (on remediation, improvement of radiotherapy services, forest management and transuranium assessment) and three in Ukraine (on the decommissioning of the power plant, assistance with the shelter and waste management). The regional projects contributed to, among other things, the harmonization of national concepts, documents and decision-making tools used in Belarus, the Russian Federation and Ukraine for the rehabilitation of the affected areas. In addition, human resources (through capacity-building) and technical infrastructure (through the procurement of specialized equipment), with an emphasis on the radiological monitoring, remediation and recovery of the affected areas (including forested land), were strengthened with IAEA support.

24. Through its Environment Laboratories, IAEA has continued its long-standing support to the relevant institutions in Belarus, the Russian Federation and Ukraine by providing information on suitable and cost-effective remediation technologies, harmonizing national experiences in the creation and management of territories with a special status and limited access (such as the radioecological reserve in Belarus and the exclusion zones in Ukraine and the Russian Federation) and providing training in remediation and environmental monitoring.

25. The Food and Agriculture Organization of the United Nations (FAO), through its Technical Cooperation Programme and Joint FAO/IAEA Division, supported the development efforts of Member States in promoting scientific exchanges and technological cooperation in the affected countries. In the future, it will encourage research on techniques to support sustainable agricultural production, including in areas affected by radioactive contamination, with a focus on the development of remediation countermeasures; methods for monitoring and detecting levels of radioactive contaminants and trace levels in agricultural land and water; the development of protocols for contaminant analyses; data management with GPS and GIS tools; and the development of remediation techniques and technologies in food and agricultural production.

F. Reactor safety and nuclear waste management

26. Two major Chernobyl-related projects funded by the European Bank for Reconstruction and Development, as well as donor funds managed by the Bank, are scheduled for completion in 2017. The construction of the new safe confinement to safely enclose the destroyed reactor and the old shelter is scheduled to be completed

in November 2016 and the confinement thereafter slid in place. The installation of equipment, such as the heavy-duty cranes for future dismantling works and the sophisticated ventilation system, is close to completion. Testing and commissioning are expected to be completed by November 2017. The construction of the facility to process and store the spent nuclear fuel stemming from the operation of units 1 to 3, currently stored in a dilapidated wet store, is making good progress. The delivery and installation of specialized equipment for the processing facility will largely be completed by the end of 2016. Integrated testing of the facility is scheduled for March 2017, to be followed by hot testing in the middle of 2017. Hot testing marks the beginning of fuel processing and storage, which, once completed, will resolve one of the most significant nuclear safety hazards at the site.

27. IAEA supports an ongoing regional project on the radiological management of abandoned areas, a national project in Belarus on transuranium assessment and national projects in Ukraine on the decommissioning of units 1 to 3, the shelter and radioactive waste management. Support is expected to continue throughout the period 2018-2019.

G. Environmental sustainability

28. The United Nations Environment Programme (UNEP) is implementing a project funded by the Global Environment Facility aimed at collecting and synthesizing research on the accident into a single repository, which will be globally available to scientists and decision makers for future nuclear disaster prevention. Given that there is significant research on the radiation effects and social consequences of the disaster, UNEP is focusing on the ecological and ecosystem aspects of the exclusion zone.

29. UNEP is also working on the establishment of an environmental centre in the exclusion zone, which will identify and fill in gaps in current research. IAEA is contributing to the development of the infrastructure for the sustainable management of the Palyessye radiological reserve created on the Belarusian side of the exclusion zone.

30. IAEA prepared two documents with recommendations on optimizing environmental monitoring and transition to normal life conditions, which were submitted to the competent authorities in Belarus, the Russian Federation and Ukraine. IAEA also continued to update international and national Internet resources (www.chernobyl.info) addressing the long-term consequences of the accident, the current radiological situation and the cost-effective use of contaminated land.

31. In Belarus, the ongoing European Union/UNDP project on supporting the transition to a green economy works on green growth concepts and environmentally sustainable production and consumption patterns by supporting local green initiatives and an information campaign. The UNDP/Global Environment Facility project on a landscape approach to management of peatlands advocates the multiple ecological and economic benefits derived from peatlands, including biodiversity conservation, enhanced carbon stocks and multiple ecosystem services.

IV. Anniversary commemorations, advocacy and public awareness

32. 26 April 2016 marked the thirtieth anniversary of the disaster. In the framework of the anniversary commemorations, the Administrator of UNDP and the United Nations Coordinator of International Cooperation on Chernobyl participated in an international conference that dealt with the move from emergency to recovery and the sustainable socioeconomic development of the affected areas, held in Minsk on 25 April. The United Nations system was also represented at commemorative events on 26 April in Ukraine, including a visit to the plant. Other events included an international forum entitled "Chernobyl's legacy for the nuclear safety of the world", held in Kyiv from 21 to 23 April, a session of the Nuclear Safety Account Assembly of Donors, held in Kyiv, a pledging conference for the Nuclear Safety Account, held in Kyiv on 25 April, numerous cultural events and exhibitions.

33. At Headquarters, a special commemorative meeting was held by the General Assembly on 26 April 2016, while a photo exhibition entitled "Chernobyl: tragedy, lessons, hope" was organized by the Permanent Mission of Belarus to the United Nations jointly with the Russian American Foundation and Project Chernobyl.

34. In statements released on the twenty-eighth, twenty-ninth and thirtieth anniversaries of the Chernobyl disaster and widely circulated in English and Russian, the Secretary-General addressed the impact of the accident on the region and commended the Governments of Belarus, the Russian Federation and Ukraine and the international community on their joint efforts for the recovery of the affected areas and the success of the development approach led by UNDP. In his statement on the thirtieth anniversary, the Secretary-General called for future Chernobyl recovery efforts to be linked to the Sustainable Development Goals, ensuring that no one would be left behind.

35. On 13 May 2016, the UNDP Office in Geneva and the Permanent Mission of Belarus to the United Nations Office and other international organizations in Geneva organized a round table on the lessons of international cooperation efforts for the achievement of the Sustainable Development Goals in the Chernobyl-affected regions in order to discuss experiences and lessons learned in 30 years of Chernobyl cooperation. A round table on preventing and overcoming major technological accidents, taking the case of United Nations cooperation on Chernobyl, was organized by the Permanent Mission of Belarus to the United Nations in New York on 3 June 2016 and enriched the discussions on post-2016 international Chernobyl cooperation by putting the lessons of Chernobyl into the context of the Sendai Framework for Disaster Risk Reduction 2015-2030.

36. On the occasion of the thirtieth anniversary, IAEA published a series of articles in leading international and national journals reviewing the experience in mitigating the environmental consequences of the accident and supported the preparation of national reports.

37. WHO updated its fact sheet[5] and participated in the following gatherings: an international conference on the health consequences of the Chernobyl accident

[5] See www.who.int/ionizing_radiation/chernobyl/en/.

(Ukraine, 18-19 April 2016); an international conference on the theme "Health effects of Chernobyl: prediction and actual data 30 years after the accident" (Russian Federation, 17-19 May 2016); the WHO/International Agency for Research on Cancer international scientific symposium entitled "Chernobyl: 30 years after" (Lyon, France, 11 June 2016); and the fourth international seminar on the theme "Radiation medicine in research and practice: health effects 30 years after Chernobyl, 5 years after Fukushima" (Würzburg, Germany, 16-17 June 2016).

38. United Nations agencies also focused on the dissemination of documents, such as materials of the Chernobyl Forum, through dedicated websites and printed matter, in order to raise greater awareness of nuclear hazards among the public, local authorities and communities, as well as national and international non-governmental organizations.

V. Lessons learned and knowledge management

39. The Chernobyl accident was a significant landmark, not only for the three countries most affected by it, but also for the entire international community. It changed the way in which Governments deal with nuclear power, safety and security and challenged the manner in which the world can comprehensively prevent, react to and mitigate the long-term consequences of a complex human-caused disaster. One of the principal lessons learned was that the international community should remain vigilant and united in the face of such disasters.

40. Lessons have been learned by UNDP in overcoming the consequences of Chernobyl and in regions affected by nuclear legacy issues, such as through the implementation of community-based projects in the areas affected by nuclear tests in Semipalatinsk, Kazakhstan, and uranium tailings in Central Asia. To capture these lessons and make the codified experience available worldwide, UNDP produced a knowledge product called "Recovery from Chernobyl and other nuclear emergencies: experiences and lessons learnt" in 2013. It revealed that nuclear emergencies were accompanied by unique long-lasting and deeply rooted human challenges, such as stigma and fear, that led to "victim syndrome" and a culture of dependency in the affected regions. It showed that the needs of people in the affected areas were best addressed by projects providing up-to-date accurate information on the risks and impact of the disaster, as well as psychological support to ease fears, helplessness and feelings of abandonment. Recovery efforts in affected regions should be aimed at promoting a spirit of activism and the restoration of self-reliance and self-sufficiency through the implementation of community-based development initiatives and reinforcement of partnerships between communities, civil society and local authorities.

41. The experience of Chernobyl recovery has demonstrated that, while recovery and development activities in the aftermath of technological accidents are crucial, it is equally important to work on prevention or minimizing the impacts of such disasters, ensuring that development activities are risk-informed. At the Third United Nations World Conference on Disaster Risk Reduction, held in Sendai, Japan, in March 2015, the case of Chernobyl recovery was presented at a side event organized by UNDP, the Office for the Coordination of Humanitarian Affairs, UNEP and IFRC, in cooperation with the Government of Belarus.

42. Taking the lessons of Chernobyl forward, IFRC organized a reference group on nuclear emergency preparedness. The Japanese Red Cross has established a Red Cross nuclear disaster resource centre, which operates a digital knowledge platform (http://ndrc.jrc.or.jp). The platform contains information, reports and facts on the disaster and the activities of IFRC and its national societies and is available to the public. IFRC also contributed to a specialized workshop on risk communication and community engagement following a nuclear disaster, organized by the United Nations University in Tokyo. Best practices of and the continuous challenges facing community-based programmes from the areas affected by the Chernobyl and Fukushima disasters were discussed and analysed.

43. To capture critical lessons from the IFRC Chernobyl Humanitarian Assistance and Rehabilitation Programme, which ran from 1990 to 2013, an operational review took place in 2015 that produced key issues and provided a comprehensive collection of the 23 years of IFRC activities addressing the short-term and long-term humanitarian consequences of the disaster.

VI. Post-2016 international cooperation on Chernobyl

44. In response to the request of the General Assembly in its resolution 68/99 to consider further approaches to international cooperation on Chernobyl after the end of the Decade of Recovery and Sustainable Development of the Affected Regions, a substantive dialogue with technical experts from United Nations agencies and Member States was initiated by the United Nations Coordinator of International Cooperation on Chernobyl at the Inter-Agency Task Force meeting in May 2014. As a result, three expert group consultations were held in 2015-2016 to define a new vision for post-2016 international cooperation on Chernobyl.

45. The first expert consultation, held in May 2015 in Minsk, brought together participants from United Nations agencies, the countries most affected by the disaster and other stakeholders. They reviewed the implementation of the United Nations action plan on Chernobyl and the unfinished work and agreed to continue cooperation, within their respective mandates, and in line with the priorities outlined by the Governments of Belarus, the Russian Federation and Ukraine, as follows:

(a) Socioeconomic development of the most affected regions: promote a more favourable investment climate; develop small and medium-sized enterprises; support agricultural activities, especially where restrictions and zoning will be lifted; ensure lower dependency of the population on social assistance; destigmatize the affected territories and put the resettled areas back into socioeconomic use, where possible; promote cultural, scientific and green tourism; and protect cultural heritage;

(b) Risk management and radiation mitigation: minimize the risks to targeted populations in the most contaminated areas; undertake radioactive rehabilitation of the most "critical" settlements; undertake long-term health monitoring of the most "critical" groups of people; address the specific long-term health consequences of the affected population; and modernize State systems for environmental and radioecological monitoring;

(c) Knowledge management and policy advice: cooperate on scientific research; engage in knowledge management and use of lessons and experiences from Chernobyl response and recovery in global work on disaster risk reduction with a specific focus on nuclear emergencies and technological hazards; consider the governance of technological/nuclear risks in the region; and improve the legislative base to streamline Chernobyl spending and target assistance to the most vulnerable groups of people.

46. During the second expert consultation, held in Vienna in October 2015, the Government of Belarus made the following suggestions for post-2016 international Chernobyl cooperation:

(a) Upon the completion of the Decade of Recovery, consider declaring the next decade the decade of investment in Chernobyl-affected regions;

(b) Enhance activities aimed at the realization of local development projects in the settlements most "critical" from a radiological point of view;

(c) On the basis of the Belarus Palyessye international radioecological reserve, establish a research centre on the long-term consequences of the accident;

(d) Use available data, information and resources to establish regional security centres, with a focus on learning and applying available knowledge in complex situations;

(e) Strengthen the coordination mechanism and intensify international cooperation on Chernobyl;

(f) Assess the remaining Chernobyl-specific needs and work with all stakeholders on joint outreach to potential donors;

(g) Organize an international conference in Minsk in April 2016 on Chernobyl 30 years later.

47. At the third and final expert consultation, held in Minsk in February 2016, it was agreed that post-2016 international Chernobyl cooperation would continue under the initiative "Achieving the Sustainable Development Goals in the Chernobyl-affected regions through partnerships, innovation and investment". The priorities for the new period were reflected in the final outcome document, as follows:

(a) Undertaking further joint efforts aimed at the rehabilitation and sustainable development of the affected territories and the achievement of socioeconomic growth with the active participation of local communities;

(b) Preserving and sharing the unique knowledge and experience of Chernobyl disaster recovery for the benefit of the international community;

(c) Strengthening national and regional capacity to prevent and respond to emergencies, including through environmental monitoring, timely forecasting of risks of emergencies and education and training programmes;

(d) Maintaining and strengthening health-care systems in the affected regions and continuing long-term medical follow-up of exposed populations and the provision of effective medical assistance to high-risk individuals;

(e) Undertaking epidemiological studies on the medical consequences of the disaster, with a view to improving the understanding of low-dose radiation risks for human health and to increasing the effectiveness of medical assistance for individuals residing in the radioactively contaminated areas;

(f) Engaging in knowledge management, policy advice and informational support, with a special focus on the needs of children and women;

(g) Rehabilitating the abandoned territories and putting them back into safe economic use, including for agriculture and forestry, and manufacturing safe and clean products;

(h) Enhancing conditions for promoting scientific exchanges and environmentally sound technologies tailored to the affected territories;

(i) Strengthening scientific and technological cooperation in the field of safe use of nuclear energy.

48. The following actions were proposed under the renewed Chernobyl initiative:

(a) Monitoring the affected regions to assess the efficiency of international assistance;

(b) Launching the new stage of international Chernobyl cooperation early in 2017;

(c) Developing an action plan for the post-2016 period;

(d) Establishing an international scientific network to study the long-term medical, radioecological, radiobiological and other consequences of the disaster, with research sites being established on the basis of national scientific institutions;

(e) Establishing regional centres to inform people about safe life activities;

(f) Supporting a global information campaign to enhance awareness of the needs of people and territories affected by the disaster, including the development and use of Internet resources;

(g) Collecting information on best practices in managing and overcoming the psychosocial consequences of Chernobyl through effective risk communication and sharing those practices with the international community.

VII. National reports

49. The annexes to the present report contain reports from the three affected countries.

VIII. Conclusions and recommendations

50. **Belarus, the Russian Federation and Ukraine, together with the United Nations family and other international organizations, gained unique knowledge and experience in recovering from the consequences of the Chernobyl nuclear disaster and created best practices in moving from recovery to development. To**

preserve that knowledge and experience, and to continue assistance in sustainable development of the most affected regions, further coordination of international efforts is needed beyond the time frame of the current Decade of Recovery and Sustainable Development of the Affected Regions.

51. The United Nations system and partners remain committed to supporting governmental efforts to place the affected regions on a stable path of development. Further Chernobyl recovery work will be linked to attaining the Sustainable Development Goals, which should serve as the guiding paradigm for ensuring that no one is left behind. The future initiatives will not necessarily be labelled as "Chernobyl projects", but will be implemented for the benefit of the affected regions and communities. They may focus, for example, on promoting green growth, conserving biodiversity, preventing land degradation and forest fires, enhancing energy efficiency, improving local governance systems or preventing non-communicable diseases. In the future, United Nations agencies, funds and programmes will also continue to further leverage knowledge and experience in dealing with the consequences of the Chernobyl accident to help communities to recover more swiftly from the trauma caused by technological accidents and to protect them against all forms of disasters in the future.

52. The affected countries have asked UNDP and the Inter-Agency Task Force on Chernobyl to continue to coordinate international Chernobyl cooperation, ensuring linkages with aspects of sustainable development and the 2030 Agenda for Sustainable Development. UNDP will lead the coordination of United Nations assistance efforts at the country level, under the leadership of resident coordinators in Belarus and Ukraine. UNDP will also host meetings of the Task Force. The Secretary-General will continue to commemorate anniversaries of the accident and rely on the Member States concerned in the preparation of future reports and resolutions on international cooperation on the subject. The Secretary-General calls upon Member States to remain seized of the matter and to continue consideration of the issue as appropriate.

53. Overall, the United Nations family will be guided by the vision for post-2016 international cooperation on Chernobyl developed in the course of the three expert consultations in 2015-2016. It will focus on preserving and sharing the experience of overcoming the complex consequences of a nuclear disaster in a broader United Nations context, including the 2030 Agenda for Sustainable Development and the Sendai Framework for Disaster Risk Reduction 2015-2030. It will also work on creating new partnerships for innovation and investment in the affected regions, in order to highlight the utmost priority of peoples' prosperity as a result of efforts to overcome crises and achieve sustainable development.

Annex I

Report of Belarus

[Original: Russian]

The Chernobyl disaster has caused many billions of dollars' worth of damage to the Belarusian economy and the clean-up has been an unprecedented challenge for the young Belarusian State. For over 25 years now, extensive work has been under way in Belarus for the rehabilitation and recovery of the affected areas.

Self-reliance is a mainstay of State policy to deal with Chernobyl and State-run programmes have been established on that basis in Belarus for post-disaster clean-up and recovery of the affected areas.

Five State-run programmes, focused on concern for people's well-being, have been implemented since the early 1990s and 137,000 people have been resettled from regions of Belarus contaminated with radionuclides. They have been rehoused and have decent living conditions, a health-care system and social protection.

The clean-up has provided a strong impetus for the development and introduction of innovative practices in agribusiness and forestry.

Over the years, the State budget of Belarus has allocated a total of approximately 22 billion dollars for remedial action in the wake of Chernobyl.

The Republic of Belarus has received important international support, in the form of technical assistance programmes and projects, through the agencies of the United Nations system and from the Governments of China, France, Japan and Switzerland, as well as through European Union programmes.

Significant assistance is being provided by charitable organizations in Germany, Ireland, Italy, Spain and the United Kingdom of Great Britain and Northern Ireland. With their assistance, more than 1 million Belarusian children have received treatment for their health in these countries since the early 1990s.

The Republic of Belarus expresses its gratitude to the international organizations, foreign States and citizens of the countries that are actively involved in efforts to rehabilitate the living conditions of Chernobyl-affected regions of Belarus.

The Government of Belarus notes with satisfaction that the General Assembly proclaimed the Decade of Recovery and Sustainable Development of the Affected Regions (2006-2016), which contributed to international projects that successfully complemented national efforts in the area of radioecological education, skills development for safe habitation in affected areas and the active engagement of local communities in addressing specific socioeconomic development issues of affected regions.

Belarus stands ready to share its unique experience of the Chernobyl disaster clean-up with interested countries and international organizations, and to provide the Polesie State Radioecological Reserve as an international research site (testing area) for projects involving and/or led by international partners.

Belarus regards the following as priorities for the rehabilitation and sustainable development of the affected region:

- Ensuring safe living conditions over the long term in areas contaminated with radiation following the accident;
- Tackling pressing socioeconomic development problems through investment, innovation, the modernization of existing industries and the creation of new ones, as well as new job creation, including by enhancing the entrepreneurship of local communities;
- Improving radiation protection and providing long-term environmental radiation monitoring and radioactive contamination control of agricultural products with a view to ensuring the radiation safety of the population;
- Introducing advanced technologies into agricultural production and forestry to minimize radionuclide intake and enhance effective production;
- Developing an effective radiation safety information support system;
- Studying the indirect health effects of the Chernobyl disaster and developing ways to overcome them;
- Providing adequate medical care to citizens living in areas contaminated with radiation.

As an initiator and active participant in international cooperation on Chernobyl, Belarus understands that Chernobyl is not just a problem for affected States and that its consequences cannot be overcome alone.

In connection with the thirtieth anniversary of the disaster at the Chernobyl nuclear power plant, an international conference on Chernobyl was held in Minsk on 25 April 2016 and was attended by representatives of States Members of the United Nations and its agencies.

A key provision of the declaration adopted at the conference is the need to continue international cooperation on Chernobyl under the auspices of the United Nations after 2016, with a view to achieving the Sustainable Development Goals in the affected regions through partnership, innovation and investment.

Belarus looks forward to support for this approach from Member States and United Nations agencies.

Annex II

Report of the Russian Federation

[Original: Russian]

The basic principles of State policy to support citizens of the Russian Federation living in areas contaminated by the accident at the Chernobyl nuclear power plant are as follows:

- Comprehensively meeting the needs of the affected population through the provision of targeted social assistance;
- Supporting and implementing measures to restore the affected areas to economic activity with a view to improving their investment attractiveness;
- Actively involving the local community in decision-making processes for the socioeconomic recovery of the areas;
- Improving national capacity in preparedness to respond to such disasters;
- Intensive outreach to the affected population and psychological assistance.

The Russian Federation has adopted and implemented the Act on the social protection of citizens exposed to radiation caused by the disaster at the Chernobyl nuclear power plant, which sets out the obligations of the Russian Federation towards affected citizens.

This Act guarantees affected citizens compensation for the damage caused to their health and property by radiation, as well as cash payments for the risk of living in areas contaminated by radiation.

Targeted programmes have become an essential tool for implementing State policy of the Russian Federation to ensure the health and safety of people living in contaminated areas.

Since 1992, the Government of the Russian Federation has adopted and implemented five targeted programmes, four programmes to protect the child population and two programmes to provide housing for those involved in the post-accident clean-up.

The programmes were mainly aimed at reducing the negative health, social and psychological effects of the accident to the lowest possible level, ensuring the environmental and economic rehabilitation of the areas contaminated by radiation and restoring the areas to normal living conditions.

As a result of programmes to deal with the consequences of radiation accidents from 1992 to 2015:

- Around 1.8 million square metres of housing stock were commissioned, providing accommodation to more than 70,000 people;
- Gas and heating were supplied for up to 1 million people, and water and sanitation systems for over 700,000 people;
- Hospitals were commissioned with 11,000 beds and clinics with a capacity of 1,700 visits per shift;

– Preschools were built with more than 4,500 places and general educational institutions with 30,500 places.

Medical check-ups were carried out for more than 3 million citizens exposed to radiation, of whom 63 per cent received inpatient specialized medical care.

Rehabilitation activities managed to restore 30 per cent of agricultural land to economic activity and 14 per cent of forest lands.

The range of programme activities carried out provided a qualitative improvement to the radioecological and socioeconomic situation in more than 3,000 locations of the Russian Federation inhabited by over 1 million people. This allowed these locations to be removed from the areas of radioactive contamination.

However, Chernobyl remains a topical issue.

There are still large areas of land to be returned to productive use. Without protective measures in highly contaminated areas, it is not possible to manufacture products that comply with the regulatory requirements for radionuclides. Permanent monitoring of the environment is required to ensure the radiation safety of the population.

Work to ensure the health and safety of people living in the contaminated areas is set to continue within the framework of relevant targeted programmes.

In the context of international cooperation on Chernobyl, the Government of the Russian Federation is currently considering making an additional contribution of up to 10 million euros in 2016-2017 to the Chernobyl Shelter Fund.

The total contribution of Russia to the Chernobyl Shelter Fund since 2008 is 60.3 million euros. Furthermore, in 2009 and 2012 Russia contributed 12.5 million euros to the Nuclear Safety Account. These funds were spent on the construction of a spent nuclear fuel dry storage facility on the site of the Chernobyl nuclear power plant.

Annex III

Report of Ukraine

[Original: Russian]

1. National strategy to mitigate the consequences of the Chernobyl disaster (General Assembly resolution 68/99, paragraph 11)

Pursuant to Decree No. 141/2016 of the President of Ukraine dated 13 April 2016 on additional measures to transform the Shelter into an ecologically safe system and regenerate the areas exposed to radioactive contamination as a result of the Chernobyl disaster, the State Agency of Ukraine on Exclusion Zone Management is developing a strategy to deal with the consequences of the Chernobyl disaster and regenerate the areas exposed to radioactive contamination.

The Strategy includes the following points:

- The regeneration of areas exposed to radioactive contamination and their return to normal life;
- Information support for State policy to deal with the consequences of the Chernobyl disaster;
- The restoration of systematic dosimetry certification for settlements in areas of radioactive contamination;
- Introducing a systematic review of contaminated border areas;
- Strengthening research on nuclear and radiation safety, and studying the impact of ionizing radiation on people and the environment;
- Creating the conditions for alternative energy facilities to be deployed in the exclusion and unconditional (mandatory) evacuation zones, and attracting investment for energy-efficiency projects to be implemented in facilities located in these zones;
- Strengthening the independence of Ukraine in managing spent nuclear fuel from domestic nuclear power plants and highly active radioactive waste.

2. Implementation of the United Nations Action Plan on Chernobyl

The United Nations Development Programme (UNDP) has been responsible for coordination to deal with the aftermath of the Chernobyl disaster since 2004.

Over the years, with the support of the Government of Ukraine, UNDP has implemented a number of significant initiatives that have contributed to the development of the affected territories:

The Chernobyl Recovery and Development Programme has been carried out in the four provinces of Ukraine most affected by the Chernobyl disaster: Kyiv, Zhytomyr, Chernihiv and Rivne. With its support, 270 community organizations have been set up in 192 villages where over 20,000 people live. These citizens' associations work in close cooperation with local governments and councils to address the villages' urgent social and economic problems: restoring the water and

gas supply, reconstructing schools, opening medical and obstetric centres and outpatient clinics, and establishing youth, public and trade service centres. Over the years this programme has financially supported 184 community projects.

The International Chernobyl Research and Information Network (ICRIN) project of the International Atomic Energy Agency, UNDP, the United Nations Children's Fund and the World Health Organization was implemented in Ukraine between 2009 and 2013. The project helped to provide the public with scientifically reliable information on health effects, safe residence in contaminated areas and the development of healthy lifestyles by disseminating information through the educational system, the media and medical and radiology specialists, as well as via training workshops.

From 2012 to 2013, UNDP implemented a project in Ukraine to integrate environmental protection into the local development strategy for areas affected by the Chernobyl disaster. Under the project:

- Public hearings were held on the status and severity of environmental issues in pilot areas;
- Local media representatives were trained in investigating and reporting on environmental issues;
- Draft plans were prepared for the environmental development of pilot areas (strategic environmental plans up to the year 2020) with the inclusion of short- and medium-term objectives;
- Work was carried out to improve the functioning of webpages belonging to the agencies and organizations of project partners;
- Recommendations were prepared for environmental protection issues to be integrated into plans for the socioeconomic and environmental development of the areas.

3. International cooperation on Chernobyl after 2016: needs and priorities for international assistance

A return to normal life is a real possibility for people living in the areas affected by the Chernobyl disaster. Achieving this goal to a large extent now depends on gradual socioeconomic development, job creation, attracting new investments and restoring community self-sufficiency. Significant changes have already been achieved, but international assistance is still necessary.

Given the long-term nature of the impact of the Chernobyl disaster, Ukraine considers further cooperation necessary with the United Nations and other international organizations in order to study and minimize the health, environmental and socioeconomic consequences of the accident at the Chernobyl nuclear power plant, and to foster the rebirth and development of the affected areas.

Ukraine supports the proposals for post-2016 international cooperation on Chernobyl, as contained in the report of the Secretary-General at the sixty-eighth session of the United Nations General Assembly.

In view of the current situation in Ukraine, we believe that United Nations agencies should focus their assistance on the following issues:

- Radiological rehabilitation of the most "critical" Ukrainian Polesie settlements by establishing programmes for their recovery, taking into account their environmental and socioeconomic characteristics;
- Promoting the development of initiatives to exchange best practices on the socioeconomic development and socio-psychological rehabilitation of local communities, both in countries affected by man-made disasters and worldwide;
- Assistance in modernizing State systems for monitoring doses of radiation absorbed by people living in contaminated areas;
- Assistance in carrying out psychosocial monitoring of people living in contaminated areas;
- Assistance in carrying out long-term medical monitoring of the health of persons affected by the accident at the Chernobyl nuclear power plant and the development of early diagnosis of diseases associated with exposure to ionizing radiation;
- Assistance in conducting scientific research into the long-term health effects of the Chernobyl disaster;
- Assistance in maintaining the unique cultural and historical heritage of the Ukrainian Polesie.

International technical assistance projects are currently under way at the Chernobyl industrial facility aimed at improving the nuclear safety of the Chernobyl nuclear power plant and converting the shelter facility (the destroyed fourth unit of the nuclear power plant) into an environmentally safe system. One of the most significant and important components of these projects is the construction of a new safe confinement. The confinement is being built within the framework of the Shelter Implementation Plan. The new safe confinement (arch) at the Chernobyl industrial facility is currently under construction according to the contract timetable. The arch is scheduled to be fitted over the existing shelter facility in November 2016. Work is continuing to install the main cranes for the arch. These will allow the existing unstable shelter structure to be dismantled in the future.

Work is also ongoing at the shelter industrial facility to build infrastructure for operation of the new safe confinement, for fire safety facilities and for engineering and technology research.

4. International events hosted in Ukraine to mark the thirtieth anniversary of the Chernobyl disaster (General Assembly resolution 68/99, paragraph 17)

From 21 to 23 April 2016, as part of events to mark the thirtieth anniversary of the Chernobyl disaster, the National Technical University of Ukraine "Kyiv Polytechnic Institute" held an international forum on the lessons of Chernobyl for global nuclear security, involving a broader audience of scientists, politicians and the general public.

Participants in the forum reaffirmed their intention to cooperate on nuclear safety in order to strengthen collective efforts to prevent and reduce the negative effects of such accidents in the future.

Events at the Chernobyl and Fukushima Daiichi nuclear power plants, as well as natural disasters, have demonstrated that only joint efforts by the international community are capable of strengthening nuclear security. The goal of meeting the needs of the population affected by the Chernobyl disaster can be achieved by developing and implementing integrated projects in priority areas, in cooperation with national and international partners at the governmental and non-governmental levels.

Participants called for the relevant agencies and regulating bodies of countries with nuclear power plants to draw the attention of the international community to the issue of a permanent solution to the problems of Chernobyl, particularly to the implementation of the next phase to transform the shelter facility into an environmentally safe system.

5. The dissemination of experiences and lessons learned from tackling the human consequences of the Chernobyl nuclear accident for application and replication in other nuclear disasters (General Assembly resolution 68/99, paragraph 24)

On 18 April 2012 the Governments of Ukraine and Japan signed an agreement on cooperation to advance aftermath response to accidents at nuclear power plants. This set out the legal basis for further cooperation aimed at combining scientific and technical capacities and resources, and using the knowledge and experience of specialists and experts from both countries, to recover from the consequences of such nuclear accidents. The agreement was ratified by Act No. 4669-VI of 27 April 2012 and entered into force on 30 May 2012.

In accordance with the provisions of the agreement, a joint committee was established on cooperation to advance aftermath response to accidents at nuclear power plants. The committee includes leading Ukrainian specialists on post-Chernobyl issues and Japanese experts involved in the clean-up from the accident at the Fukushima Daiichi nuclear power plant.

Both countries have acknowledged the useful of their experience, which they will endeavour to apply, inter alia: to a decision-making system for optimizing radiation protection activities; to improve the decision-making system for optimizing radiation protection activities, drawing on the experience of Chernobyl and Fukushima; and to remote measuring, including by satellites, in order to monitor sites contaminated by radiation as a result of a nuclear accident.

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Seventy-first session
Agenda item 5
Election of the officers of the Main Committees

Note verbale dated 21 September 2016 from the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

The Permanent Mission of the Islamic Republic of Iran to the United Nations presents its compliments to the Secretary-General and has the honour to submit the following observations, to be circulated as a document of the General Assembly under agenda item 5, entitled "Election of the officers of the Main Committees".

It is unfortunate to see the representative of an occupying regime that has no respect for the rule of law take the chairmanship of the Sixth Committee of the General Assembly, which is the main platform for developing the rules of international law. Such an important committee should not be chaired by the representative of a regime which is the symbol of defiance to international law and the rule of law. Election as the Chair of the Sixth Committee does not change Israel's long record of terrorism and violation of international law, including human rights and international humanitarian law, from its very inception to date.

This regime was built on the basis of intimidation and occupation. Even more ironic is the fact that the Israeli regime has been routinely denounced by the United Nations for its blatant atrocities, including its half-a-century occupation and its settlement expansion activities in the West Bank, inflicting precarious living conditions upon displaced civilians, claiming thousands of lives during decades, depriving a nation of their land and their right to self-determination in manifest contravention of the Charter of the United Nations and other international instruments.

All of these criminal actions have been substantiated by numerous official reports by United Nations bodies, enumerating in detail such violations. Here are just a few examples:

- The Israeli regime has imposed a brutal blockade against hundreds of thousands of innocent civilians in the occupied territories and persists in the continuous contravention of United Nations resolutions by planning and constructing Israeli settlements in the West Bank, East Jerusalem and the

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occupied Golan. The International Court of Justice, in its 2004 Advisory Opinion on the "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory", approved the application of article 2 of the Fourth Geneva Convention to the occupied territories and 150 States supported General Assembly resolution ES-10/15, dated 2 August 2004, demanding that Israel "comply with its legal obligations as mentioned in the advisory opinion",

- The 2009 Report of the United Nations Fact-Finding Mission on the Gaza Conflict, reports of the Office of the United Nations High Commissioner for Human Rights, the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories dated 5 October 2015, the 2016 report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the 2016 report of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan are only part of the ample evidence proving the innumerable crimes committed by the Israeli regime in the occupied territories. All these reports contain various obligations, violated systematically and on a routine basis by the regime, including those embodied in the Fourth Geneva Convention of 1949 and The Hague Regulations of 1907.

These examples are testimony to the illegitimacy of the chairmanship by the Israeli regime of the Sixth Committee. The Islamic Republic of Iran attaches high importance to the Sixth Committee and looks forward to participating actively in its deliberations despite its principled view as to the illegitimacy of the chairing person. Moreover, the participation of the Islamic Republic of Iran in the work of the Sixth Committee does not, in any way, imply, nor is it indicative of, legitimacy or recognition of any kind for the Israeli regime.

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Seventy-first session
Agenda item 64 (a)
Promotion and protection of the rights of children: promotion and protection of the rights of children

Status of the Convention on the Rights of the Child*

Report of the Secretary-General

Summary

In its resolution 70/137, the General Assembly requested the Secretary-General to submit to the Assembly at its seventy-first session a report on the status of the Convention on the Rights of the Child and the issues addressed in the resolution, with a focus on migrant children. The present report is submitted in accordance with that request.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. In its resolution 70/137, the General Assembly requested the Secretary-General to submit to the Assembly at its seventy-first session a report on the status of the Convention on the Rights of the Child and the issues addressed in the resolution, with a focus on migrant children. The present report is submitted in accordance with that request.

II. Status of the Convention

2. As at 1 July 2016, the Convention on the Rights of the Child had been ratified or acceded to by 196 States. Somalia ratified the Convention on 1 October 2015. One Member State, the United States of America, is not yet party to the Convention.

3. In addition, as at 1 July 2016, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified or acceded to by 165 States; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been ratified or acceded to by 173 States; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure had been ratified or acceded to by 27 States.

III. Reporting under the Convention

4. During the reporting period, the Committee on the Rights of the Child held its seventieth to seventy-second sessions.

5. As at 1 July 2016, the Committee had received initial reports from all but two States parties, namely, Tonga and the State of Palestine. All the initial reports that had been submitted, with the exception of that of Nauru, had been reviewed by the Committee. In total, the Committee has received 502 initial and periodic reports, including combined periodic reports, submitted pursuant to article 44 of the Convention.

6. In addition, the Committee had received 109 initial reports and 2 periodic reports under the Optional Protocol to the Convention on the involvement of children in armed conflict and 98 initial reports and 2 periodic reports under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

7. The Chair of the Committee will present an oral report on the work of the Committee and engage in an interactive dialogue with the General Assembly at its seventy-first session as a way to enhance communication between the Assembly and the Committee, in accordance with resolution 70/137.

IV. Rights of children in the context of migration

A. Human right of children to be treated first and foremost as children

8. The realization of the human right of children to be treated first and foremost as children, regardless of their migratory status or the migratory status of their parents, remains uneven. The present report considers children in the context of migration, including those migrating internally or internationally, those forcibly displaced across borders or within their own country and those affected by the interlinkage of migration and statelessness. Although some regions have made rapid progress in increasing the protection of and access to basic services for some categories of children affected by migration, in particular refugee children, in other regions progress has been less marked, and in many regions children who are found not to be refugees as defined in international refugee law have faced significant difficulties in gaining access to basic services. At the same time, progress is being made on the ground, including in response to some of the largest documented movements of forcibly displaced people in some regions in more than half a century. Such efforts need to be bolstered in order to guarantee that all children everywhere receive the protection, assistance and services that are their right, and that their best interests remain the primary consideration.

B. Rights of children affected by migration in international law

9. Article 2 (1) of the Convention on the Rights of the Child states that "States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status". The Committee on the Rights of the Child and other experts have asserted that the enjoyment of rights stipulated in the Convention is not limited to children who are nationals of a State.

10. The International Covenant on Civil and Political Rights provides a further example of the general principle of equality that underlies international human rights law as it relates to non-nationals and the limited scope of exceptions to that principle. According to article 2 (1) of the Covenant, "each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". In its general comment No. 15 (1986) on the position of aliens under the Covenant, the Human Rights Committee stated that "the rights set forth in the Covenant apply to everyone, irrespective of reciprocity, and irrespective of his or her nationality or statelessness. Thus, the general rule is that each one of the rights of the Covenant must be guaranteed without discrimination between citizens and aliens".

11. The right of migrant children to be treated without discrimination, including with respect to their social, cultural and educational rights, is also rooted in article 2 of the Universal Declaration of Human Rights and article 2 of the International

Covenant on Economic, Social and Cultural Rights. The latter affirms the right of everyone to education, compelling States parties to respect, protect and fulfil that right on the basis of non-discrimination and equality of opportunity. The Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families reaffirm the principle of non-discriminatory application of human rights guarantees and access to services for migrants and their families, including children affected by migration.

12. The Guiding Principles on Internal Displacement (see E/CN.4/1998/53/Add.2) include a restatement and compilation of international human rights and humanitarian law relevant to internally displaced persons, including children. The Principles address the special needs of such children for protection and assistance (Principle 4.2), in particular their right to education (Principle 23).

13. A number of global political commitments have been made during the past two decades to reinforce the commitment to non-discrimination with respect to migratory status, in particular for children, in gaining access to services and in the fulfilment of human rights, and to support the rights of migrants, including migrant children. In target 10.7 of the Sustainable Development Goals (see General Assembly resolution 70/1), States committed themselves to facilitating orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, involving full respect for human rights and the humane treatment of migrants regardless of migration status. In 2012, during its fifty-ninth session, the Committee on the Rights of the Child devoted its day of general discussion to the rights of all children in the context of international migration.

14. The Committee on the Rights of the Child reaffirmed the obligation of States to guarantee all of the rights enshrined in the Convention on the Rights of the Child to all children within their jurisdictions, in accordance with the following key tenets:

(a) That children affected by migration are entitled to the same fundamental rights, treatment, services and protection as non-migrant children;

(b) That a comprehensive human rights-based approach be adopted that holistically takes stock of the rights and needs of such children rather than categorize them as irregular, trafficked, unaccompanied or asylum-seeking, categories that can be fluid and temporary and fail to reflect the complexity of migration dynamics;

(c) That the principle of the best interests of the child be a primary consideration for States when making decisions that affect migrant children.

15. The Committee also recommended that the implementation of the Convention with regard to children in the context of migration should be monitored. It called upon States parties to incorporate a systematic evaluation of the implementation of the Convention in relation to all children affected by migration who were present in their territories into their periodic reporting to the Committee. The Committee has also requested State parties to empower national institutions responsible for

guaranteeing human rights, including ombudsmen and equality bodies, to play a key role in monitoring compliance with the Convention, with a specific mandate to address the needs of children affected by migration.[1]

16. In the report of the Secretary-General for the World Humanitarian Summit entitled "One humanity: shared responsibility" and the Agenda for Humanity annexed thereto (see A/70/709), specific actions to address the protection and assistance needs of internally displaced persons, including children, were enumerated. In addition, the Nansen Initiative has been building consensus on a protection agenda for those forcibly displaced across borders by natural disasters and climate change, highlighting the specific needs of children.[2]

C. Rights of children affected by migration in regional law

17. Regional conventions and treaties further reinforce the principles of non-discrimination on the basis of national origin or migratory status. Article 2 of the African Charter on Human and Peoples' Rights contains commitments to non-discrimination, while right to freedom of movement and the right to seek asylum are addressed in article 12. Those principles are reaffirmed specifically with respect to children in the African Charter on the Rights and Welfare of the Child, article 23 of which indicates that refugee children, whether unaccompanied or accompanied by parents, legal guardians or close relatives, should receive appropriate protection and humanitarian assistance in the enjoyment of the rights set out in the Charter and other international human rights and humanitarian instruments. Article 1 of the American Convention on Human Rights contains similar provisions; in article 19 it is affirmed that the child has the right to measures of protection required by his condition as a minor on the part of his family, society and the State; and in article 22 the rights of individuals to leave any country freely, including his own, and to seek and be granted asylum in a foreign territory, in accordance with the legislation of the State and international conventions, are affirmed. In article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the obligation of States to not discriminate on the basis of national origin are reaffirmed. Notwithstanding such affirmations, regional borders and bilateral agreements, including readmission agreements, remain areas in which children's rights and child protection are largely absent.[1]

V. Realizing the rights of children in the context of migration

A. Promoting safe, orderly and regular migration, with full respect for human rights

18. According to data from the Department of Economic and Social Affairs of the Secretariat, approximately 15 per cent of the world's total migrant population, or some 35 million individuals, are below 19 years of age. However, according to the

[1] See Committee on the Rights of the Child, "Report of the 2012 day of general discussion: the rights of all children in the context of international migration".

[2] See https://nanseninitiative.org/.

Office of the United Nations High Commissioner for Refugees (UNHCR), approximately 50 per cent of the world's involuntarily displaced, or some 30 million people, including refugees, asylum seekers and internally displaced persons, are children, around half of whom are female.[3] In 2014, 86 per cent of the world's refugees resided in developing countries. According to the Internal Displacement Monitoring Centre, almost 40 million individuals, of whom around half were children, had been internally displaced within their own countries by the end of 2014.

19. In addition to the full enjoyment of their human rights under all nine core international human rights treaties,[4] regardless of their migration status, migrant children should also enjoy rights and protection under various branches of international law, including refugee, labour, humanitarian, maritime, transnational criminal, nationality and consular law. Several international legal instruments grant specific forms of protection to migrant workers and their families, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and relevant International Labour Organization (ILO) instruments, including the Migration for Employment Convention, 1949 (No. 97), the Migrant Workers Convention, 1975 (No. 143), and the Domestic Workers Convention, 2011 (No. 189). The ratification and effective implementation of the existing normative frameworks are important and urgent steps towards realizing the rights of migrants and migrant children, facilitating safe, fair, regular and orderly migration, reducing the incidence of exploitation and abuse associated with migration, especially for children, and enhancing international cooperation on migration.

20. Many migrant children, especially those who are unaccompanied or have been separated from their parents and families, and those migrating through irregular channels, are particularly vulnerable in their countries of origin, in countries of transit, upon arrival at their destinations and during the process of return or upon return to their countries of origin. Guided by the principle of acting in the best interests of the child, the specific needs and vulnerabilities of those children must be documented and highlighted, with a view to accelerating the provision of rights-based assistance and protection. International organizations and entities have developed guidance to address the practical needs of migrants and their families such as the Fair Migration Agenda,[5] the Multilateral Framework on Labour Migration,[6] the Recommended Principles and Guidelines on Human Rights at

[3] See Office of the United Nations High Commissioner for Refugees (UNHCR), "UNHCR mid-year trends 2014" (Geneva, 2015); UNHCR, "UNHCR mid-year trends 2015" (Geneva, 2015).

[4] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

[5] ILO, *Fair Migration: Setting an ILO Agenda* (Geneva, International Labour Office, 2014).

[6] ILO, *ILO Multilateral Framework on Labour Migration: Non-Binding Principles and Guidelines for a Rights-Based Approach to Labour Migration* (Geneva, 2006).

International Borders,[7] the Migration Governance Framework[8] and Migration Crisis Operational Framework.[9] The Inter-Parliamentary Union, ILO and the Office of the United Nations High Commissioner for Human Rights (OHCHR) recently developed a handbook for parliamentarians on migration, human rights and governance.[10] The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child are developing a joint general comment to provide guidance on children in the context of international migration.[11]

21. In the absence of sufficient and accessible safe and regular pathways for moving to other countries, children are often compelled to undertake risky and lengthy sea, land or air journeys in order to flee persecution or conflict or in response to other drivers of forced movement such as extreme poverty, discrimination, denial of their human rights, including the right to health or education, and the consequences of environmental degradation. Without safe alternatives, they may resort to the services of criminal networks to cross international borders. The rising number of children, including those who are unaccompanied, taking part in large-scale movements through irregular channels is of grave concern. Between January and mid-July 2016, almost 240,000 people, more than one third of whom were children, crossed the Mediterranean, often under dangerous conditions owing to lack of alternatives.[12] In accordance with international law, in particular the United Nations Convention on the Law of the Sea, all persons in distress at sea must be rescued and brought to a place of safety. While States have increased their efforts to enhance rescue and interception measures at sea, including through the Triton and Poseidon joint operations of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), more needs to be done to ensure that those responsible for rescue, interception, transport and transfer operations acknowledge and respond to the needs and rights of children, whether they arrive by land, sea or air. Child-specific and gender-specific measures must be in place at all stages of rescue operations, including at the planning stage.

B. Preventing exploitation and abuse, including trafficking

22. Smuggling of migrants and trafficking in persons are distinct crimes under the United Nations Convention against Transnational Organized Crime and its supplementary Protocols against trafficking in persons and the smuggling of

[7] OHCHR, "Recommended principles and guidelines on human rights at international borders" (Geneva, 2014).

[8] International Organization for Migration (IOM), "Migration governance framework: the essential elements for facilitating orderly, safe, regular and responsible migration and mobility of people through planned and well-managed migration policies", 106th session, No. C/106/40 (4 November 2015).

[9] IOM, "Migration crisis operational framework", 101st session, No. MC/2355 (15 November 2012).

[10] Inter-Parliamentary Union, ILO and OHCHR, *Migration, Human Rights and Governance: Handbook for Parliamentarians*, No. 24 (Geneva, 2015).

[11] See www.ohchr.org/EN/HRBodies/CMW/Pages/JointGeneralCommentonChildren.aspx.

[12] IOM, "Mediterranean update: migration flows Europe — arrivals and fatalities".

migrants. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air contain special measures and forms of protections for children. About two thirds of all Member States have ratified those two protocols.

23. Children travelling unaccompanied or travelling with their families face particular risks when migrating through irregular channels, including those of exploitation, sexual and gender-based violence, family separation, psychosocial stress and trauma, health complications and physical harm and injury.[13] All children, in particular unaccompanied and separated children, should have access to services along their routes, including legal advice and counselling on their specific situations and options. In response to the recent large-scale movement of refugees into Europe, UNHCR and the United Nations Children's Fund (UNICEF) have collaborated to establish 20 special support centres for children and families along the most frequently used migration routes in Europe.[14] Each centre provides a safe space to children and their families, vital services, protection, counselling and recreation for children in a single location, with the aim of supporting vulnerable families. Governments, in collaboration with United Nations agencies, non-governmental organizations (NGOs) and civil society organizations, provided support to migrants stranded on the Andaman Sea in 2015, as well as to migrants moving from Latin America into Mexico, and from the Horn of Africa into Europe. Strengthened and harmonized cross-border information-sharing mechanisms can better protect at-risk children on their journeys.[15] Child-safeguarding policies[16] should be incorporated into manuals on search and rescue operations and implemented during such operations.

C. Meeting the humanitarian and human rights protection needs of children in the context of migration

24. States have a responsibility to ensure that their border procedures and reception procedures for refugees, asylum seekers and migrants protect human rights and are sensitive to the particular needs of children, who may be at particular risk. The immediate needs of all children, regardless of their migration status, must be met, and boys and girls with specific needs must be referred to the appropriate services. The Government of Zambia, for example, has established a mechanism to identify vulnerable migrants, including unaccompanied and separated children and stateless migrants, for referral to the appropriate services.[17] Claims made by children should be processed with priority and through accelerated procedures that respect the best interests of the children and procedural safeguards. Guidance on

[13] UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection* (2014).

[14] See www.unhcr.org/en-us/news/press/2016/2/56d011e79/unhcr-unicef-launch-blue-dot-hubs-boost-protection-children-families-move.html.

[15] See UNICEF, "Call for action: protecting of the rights of refugee and migrant children arriving in Europe" (2016).

[16] See www.keepingchildrensafe.org.uk/sites/default/files/resource-uploads/KCS_STANDARDS_2014.pdf.

[17] R. Sampson and others, *There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention*, revised ed. (Melbourne, International Detention Coalition, 2015).

procedures at borders and for the reception of migrants includes the Recommended Principles and Guidelines on Human Rights at International Borders, the Migration Crisis Operational Framework and the 10-point plan of action on refugee protection and mixed migration of UNHCR,[18] all of which contain recommendations specific to children.

25. It is essential that States have national child protection systems and that they take measures to ensure that migrant and refugee children are provided with care and services that equal those provided to nationals. In the United Kingdom of Great Britain and Northern Ireland, for example, an unaccompanied child is the responsibility of the local authority in which he or she is present, in the same way as is any child national who is deprived of parental care. Upon the arrival of an unaccompanied child, the social services department of the local authority assesses the child's needs and provides assistance. Many States, however, need to improve their systems. As OHCHR noted in 2010, most national childhood policies do not take account of the needs and rights of migrant children, who can be excluded explicitly or in practice from the protection of legislation and regulations put in place by Governments to protect children who are nationals (see A/HRC/15/29). More data and information are needed regarding the situation of refugee and migrant children, their needs and the risks that they face. The development of specialized services and social policies should be guided by such data.

26. Home-based, family-based and community-based accommodation for refugees and migrants should be available, with refugee and migrant children and their families accorded priority for placement in such settings. In Lebanon, for example, several alternative shelters are available specifically for women, children and unaccompanied minors.[19] Should such accommodation not be available, however, the relevant reception centre should meet the needs of children in its design, functioning and equipment. There should be sufficient gender-segregated and age-segregated safe spaces, gender-segregated water, sanitation and hygiene facilities and safety and security measures for children and women. Accessibility for children and parents with disabilities should also be anticipated.

27. Reception centres should ensure access to basic services for children and their families, including medical first aid, adequate food and non-food supplies, mother and child safe spaces, child-friendly spaces and recreational activities for children, counselling and education, and provide referrals to specialized services when needed, including hospitalization, guardians for minors and specialized mental health care. Facilities receiving children, whether they are unaccompanied, separated or with their families, should have in place clear procedures for reporting any child protection concerns and adequate follow-up procedures. All centres should be independently monitored, including through consultations with child and adult refugees and migrants.

[18] UNHCR, *Refugee Protection and Mixed Migration: The 10-Point Plan in Action* (Geneva, 2011).

[19] See International Detention Coalition, interactive map. Available from http://idcoalition.org/interactive-map-alternatives-to-detention/?location=lebanon.

D. Preventing childhood statelessness

28. Statelessness, or the condition of a person who is not considered as a national by any State, can be both a cause and a consequence of migration. UNHCR estimates that more than 10 million people worldwide, many of whom are children, are stateless. The consequences for stateless children can be serious: in more than 30 countries, children need nationality documentation to receive medical care; in at least 20 countries, stateless children cannot be legally vaccinated.[20] Stateless children often face severe restrictions in gaining access to basic services and in fulfilling their basic human rights, circumstances that, for many, are migration-motivating factors. Several countries, most notably in Central Asia and West Africa, have adopted national action plans on reducing statelessness by promoting systematic birth registration of migrants and carrying out field surveys. Other countries, including Armenia, Estonia, Latvia and Montenegro, have implemented legislative changes to address statelessness.[21]

29. A key action to preventing statelessness is to provide birth registration to all children, including those who are born to refugee, asylum-seeking and migrant parents. UNHCR and UNICEF have both successfully implemented programmes to ensure birth registration for refugee populations in camp and urban settings,[22] and UNICEF is working in more than 80 countries to improve national capacities to reach full registration, in line with target 16.9 of the Sustainable Development Goals.

VI. Due process and fair trial guarantees in migration proceedings for children

30. The Committee on the Rights of the Child has recommended that migration proceedings concerning children be conducted in a prompt, child-friendly, multidisciplinary and culturally and gender-sensitive manner by officials with expertise in children's rights.[1] However, the Committee noted that, in many countries of destination, migration procedures and decisions were not conducted in accordance with the standards and due process spelled out in the Convention on the Rights of the Child, other international human rights treaties and other instruments of international law.[23] In an effort to address such concerns, child-specific measures, including keeping interviews to a minimum and using child-sensitive interview techniques, are increasingly being utilized.[24] For example, Argentina, through its Act No. 25.871 of 2010, introduced due process safeguards in its deportation procedures, including the right to appeal with suspensive effect, the right to free legal aid and the right to access to justice.

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[20] UNHCR, "I am here, I belong: the urgent need to end childhood statelessness". Available from www.unhcr.org/ibelong/the-urgent-need-to-end-childhood-statelessness/.

[21] UNHCR, "Resolving existing major situations of statelessness", Good Practices Paper, Action 1 (Geneva, 2015).

[22] UNICEF, *A Passport to Protection: A Guide to Birth Registration Programming* (New York, 2013).

[23] Committee on the Rights of the Child, "2012 day of general discussion: the rights of all children in the context of international migration — background paper", 2012.

[24] ILO, *Strengthening Action to End Forced Labour* (Geneva, International Labour Office, 2013).

31. The right of the child to be heard, articulated in the Convention on the Rights of the Child, extends to matters and decisions on immigration and asylum procedures, in accordance with a child's evolving age, capacity and maturity. For example, the Constitutional Court of Spain has upheld the right of the child to be heard in the context of unaccompanied children facing repatriation or deportation (see A/HRC/15/29). The right of the child to be heard includes the right to be informed in a language and manner that the child understands, including with respect to options and potential consequences (see CRC/C/GC/12). The Committee on the Rights of the Child suggests that the right to be heard encompasses having access to administrative and judicial remedies against decisions on their own situation or the ones on their parents to guarantee that all decisions are taken in their best interests.[23] In Bulgaria, social workers from the child protection units of the Agency for Social Assistance provide advice to children on their rights and on the possibilities for receiving support and protection.

32. To implement child-sensitive due process, duty bearers and front-line workers must have specific capacities and knowledge of child rights and protection standards.[23] To that end, and in response to large movements of migrants, UNICEF provided child rights training to front-line workers in Afghanistan, Bangladesh, Croatia, Mexico, Myanmar, Serbia and the former Yugoslav Republic of Macedonia. At the institutional level, the enforcement of migration policies should include the oversight of agencies specializing in children's rights.[1] The creation by Mexico of a body of child protection officers within the National Institute of Migration is an example of how an increase in specialized training can contribute to child-sensitive migration procedures. Another example is that of South Africa, where unaccompanied migrant children are assigned a social worker, who can refer them to a children's court so that an alternative care order can be issued.[25]

33. Pursuant to article 2 of the Convention on the Rights of the Child, immigration and border control measures should be developed in a manner that takes into account the best interests of the child and the principle of non-discrimination. The Committee on the Rights of the Child recommends that States should set up a best interest determination procedure to consider and decide what is in the best interests of the child on a case-by-case basis, including a clear and comprehensive assessment of the child's circumstances that should take into account the child's views.[23] Such State-implemented procedures are in place in Argentina, Mexico and several European States.

34. The Committee on the Rights of the Child has advised that for States, making a child's best interests the primary consideration implies that every decision to repatriate must reflect careful consideration of the child's health and psychosocial needs, consistent with ensuring the development of the child to the maximum extent possible (see art. 6 (2) of the Convention). In that regard, it is best practice to also consider a child's right to education, adequate living conditions and the presence of a caretaker. The European Union is currently piloting the use of child-sensitive country-of-origin information to guide asylum decisions, in recognition of the fact that most country-of-origin information currently lacks a child-specific focus.

[25] Department of Social Development, "Guidelines on separated and unaccompanied children outside their country of origin in South Africa" (2009).

35. With regard to the treatment of unaccompanied and separated children, States are required to take measures necessary to secure the proper representation of the child's best interests (see CRC/GC/2005/6). To that end, guardians with expertise in child care who are supervised by national child protection authorities are key to protecting the best interests of the child. In the Netherlands, for example, NGOs cooperated with national authorities to develop core standards to guide guardians in their daily work with unaccompanied children.[26] Agencies or individuals whose interests could potentially conflict with those of the child should not be eligible for guardianship (see CRC/GC/2005/6).

36. While the repatriation of undocumented children continues to often be used as a measure to punish individuals for irregular entry into a territory, States should only repatriate children only as a measure of protection, for example, to ensure family reunification when it is in the child's best interests and at the conclusion of a due process of law (see A/HRC/15/29). The Regional Conference on Migration,[27] an intergovernmental body of 11 countries in North and Central America, has declared that the decision to repatriate unaccompanied children must always take into account their best interests.[28] UNICEF and UNHCR have jointly developed guidelines to inform the current response by States in Europe to ensure respect for the best interest of unaccompanied and separated children.[29] Many asylum-seeking children have not been granted refugee status but instead have been provided with subsidiary protection on humanitarian grounds, which they can lose upon reaching 18 years of age. Germany allows for the temporary extension of that protection in order to complete school or vocational training.

37. Accurate age assessment is key to ensuring the protection of the rights of migrant children. Any assessment that goes beyond interviewing the child should be carried out only as a measure of last resort. The age estimation procedure should draw upon assessments by psychologists, social workers and others, be child-friendly and gender-friendly and multidisciplinary.[30] In recognition of the difficulty of accurately estimating the age of children, the presumption-of-age method applied in Sweden includes a margin of error to allow for discrepancies that works to the benefit of the child; for example, when the child is estimated to be of an age that falls within the range of 9 to 18 years, a 24-month margin of error is applied.[31]

38. The right to family may be severely affected in the context of international migration. Children born in destination countries to undocumented migrant parents may be denied their right to family life owing to the deportation of one or both parents, even if the children have acquired nationality. In addition, a growing number of countries are restricting family reunification policies,[23] while the interpretations by administrative and judicial bodies of the right to family life within

[26] Defence for Children — ECPAT The Netherlands, *Core Standards for Guardians of Separated Children in Europe: Goals for Guardians and Authorities* (Netherlands, 2011).

[27] See www.rcmvs.org/.

[28] See the Declaration of the XIV Regional Conference on Migration (Guatemala City, July 2009).

[29] UNHCR and UNICEF, "Safe & sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe" (Brussels and New York, 2014).

[30] See for example UNHCR, "Guidelines on policies and procedures in dealing with unaccompanied children seeking asylum" (Geneva 1997).

[31] UNICEF, "Reference guide on protecting the rights of child victims of trafficking in Europe". Available from www.unicef.org/ceecis/UNICEF_Child_Trafficking_low.pdf.

the context of migration are also becoming more restrictive. At the same time, children and adolescents across the globe migrate under precarious and irregular circumstances, including unaccompanied, in order to reunite with their parents, legal guardians or other caregivers (see A/HRC/15/29). Regional human rights courts have urged State authorities to facilitate family reunification and repeatedly encouraged them to abstain from making decisions that separate children from their families unless it is in the child's best interests as determined through a comprehensive assessment.[23] On the other hand, the maintenance of family unity should never be used as a justification for the detention of child migrants.[1]

VII. Ending the detention of child migrants

39. Children, as a matter of principle, should never be detained for purposes of immigration control. However, children continue to face detention based on their or their parents' migratory status or undocumented entry into a country. The Committee on the Rights of the Child has affirmed that detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof (see CRC/GC/2005/6). However, the increasing criminalization of the irregular movements that have occurred in 2016 (see A/70/59) is likely to result in increasing numbers of children being detained. Stateless persons, including children, face a particularly high risk of indefinite detention.[32] That includes the detention of migrant children with their parents on the premise of maintaining family unity, in violation of the principle of the best interests of the child.[1]

40. Both Mexico and Panama prohibit the detention of child migrants. The Council of Europe Strategy for the Rights of the Child (2016-2021) contains specific provisions on migration and proposes that every effort be made to end the placement of children in immigration detention facilities.[33] Those provisions reflect resolution 2020 (2014) of the Parliamentary Assembly, in which member States were called upon to urgently put an end to the detention of migrant children by introducing legislation prohibiting their detention and providing non-custodial community-based alternatives. In some situations, children are placed in immigration detention as a substitute for care arrangements (see A/HRC/15/29). To the greatest extent possible, and always using the least restrictive means necessary, more States need to adopt human rights-compliant, non-custodial and community-based alternatives to detention in accordance with the best interests of the child. In Yemen, a community-driven alternative care system consisting of small group homes was established for asylum-seeking and refugee children by the local authorities and UNHCR in cooperation with refugee leaders.[34]

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[32] European Network on Statelessness, "Protecting stateless persons from arbitrary detention" (London, 2015); OHCHR, "Administrative detention of migrants". Available from www2.ohchr.org/english/issues/migration/taskforce/docs/administrativedetentionrev5.pdf.

[33] Council of Europe, "Protecting children affected by the refugee crisis: a shared responsibility — Secretary General's proposals for priority actions", 4 March 2016.

[34] UNHCR, "Options for Governments on care arrangements and alternatives to detention for children and families", Options Paper 1 (Geneva, 2015).

VIII. Integration and access to basic services for children in the context of migration

41. It is vital to provide immediate humanitarian assistance and to address the immediate protection needs of migrant children. It is also essential that States implement integration programmes and make greater efforts to mainstream both refugee and migrant children into national and local development plans so as to ensure their educational and livelihood needs while strengthening the resilience of and development opportunities for host communities. Those communities, directly affected by the arrival of large numbers of refugees and migrants, may benefit from the support and expertise of development actors such as the United Nations Development Programme, UNICEF and the World Bank. In that context, the international community has increasingly acknowledged the need to strengthen the nexus between humanitarian and development assistance, in particular in response to large movements of refugees and migrants.

42. Measures to promote the inclusion of migrant children in national educational systems represent a sound investment, given that they increase the chances of those children becoming adults who find jobs, pay taxes and use fewer public services should they remain in the host country, thereby contributing to the maintenance of social cohesion. There should be no lost generation of refugee and migrant children. In many countries, primary education is compulsory and available to all refugee and migrant children; such educational opportunities should be expanded at all levels. There is a growing body of evidence and of good practice on ways to include migrant children and young people in educational and social activities.[35]

43. Several States and local authorities use various means to facilitate the access of migrant and refugee children to basic educational, social and health-care services. Argentina, for example, has passed legislation that explicitly enumerates the rights of migrants to gain access to services on an equitable basis with nationals.[36] In many cities, including Geneva, Munich, Germany, and Seoul, "firewalls" have been placed between service providers and immigration authorities to protect confidentiality and allow migrants, including those of irregular status, to gain access to services without fear of reprisal. Such actions are supported by the Special Rapporteur on the human rights of migrants and the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.[37]

44. Xenophobic and racist responses to refugees and migrants, including children, appear to be increasing and achieving greater levels of public acceptance. Policy and public discourse on migrants and refugees must shift from a focus on threat to a focus on international solidarity, and emphasize the fact that migrant and refugee children are, first and foremost, children. International and non-governmental entities such as ILO, IOM, OHCHR, UNHCR, UNICEF and Terre des Hommes International Federation have been using social media and other non-traditional platforms to counter xenophobic and racist discourse aimed at refugees and

[35] See, for example, European Union and Organization for Economic Cooperation and Development, *Indicators of Immigrant Integration 2015: Settling In* (OECD Publishing, Paris, 2015).

[36] See, for example, Act No. 25.871 of 2010 and Decrees Nos. 836/04 and 578/05.

[37] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16886&LangID=E.

migrants,[38] while regional intergovernmental bodies such as the African Union and the European Union have condemned xenophobia in all its forms and manifestations.

45. Authorities should begin as soon as possible to work with a child towards a durable solution in order to avoid prolonged exposure of the child to a situation of legal and psychological insecurity. In particular, if a child is to be returned after a thorough risk assessment has been conducted by trained and independent child protection officers, a documented best interest determination process and a support plan should be in place before return procedures begin.

46. Reintegration support for children who have been returned to their country of origin needs to be child-focused and take special account of child-specific needs such as reintegration at school, access to psychosocial support and social inclusion. Specific funds need to be invested in ensuring that reintegration support is available and of good quality. Regular monitoring should be conducted, including by independent child rights bodies and civil society. For example, the Government of Ethiopia ensures family tracing and reunification and the reintegration of children who are voluntarily returning to the country.

47. States should move to relieve the burden on host countries by expanding means of admission for refugee and migrant children. That can be achieved by enhancing resettlement, medical evacuation and humanitarian admission programmes, temporary evacuation programmes, opportunities for skilled migration, labour mobility and education, and expanding criteria for family reunification.

48. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, in its general comment No. 2 (2013), highlighted the importance of regularization as a means of addressing the needs and vulnerabilities of migrant children, noting that:

> Regularization is the most effective measure to address the extreme vulnerability of migrant workers and members of their families in an irregular situation. States parties should therefore consider policies, including regularization programmes, for avoiding or resolving situations whereby migrant workers and members of their families are in, or are at risk of falling into, an irregular situation.

IX. Way forward

49. **Sustainable development begins and ends with safe, healthy and well-educated children, including migrant children (both regular and irregular), children born to migrant parents and children left behind by migrating parents. Societies can develop in a sustainable manner only if the basic needs and rights of all children, in particular the poorest and most vulnerable, are met. The protection of children is a central pillar of the 2030 Agenda for Sustainable Development. Peace, respect for human rights and the protection of**

[38] See, for example, the "I am a migrant" campaign of IOM, the "#with refugees" campaign of UNHCR and the "#ActofHumanity" campaign of ILO, OHCHR and UNICEF. See also www.ohchr.org/EN/Issues/Migration/Pages/InternationalMigrantsDay2013.aspx and http://destination-unknown.org.

the most vulnerable, including protection from all forms of violence, are essential underpinnings of an integrated framework for sustainable and sustained development. In seeking to attain universal goals, attention should be focused on those who are worst off so that no child, whatever her or his migration status, is left behind.

50. Children and young people can reap the benefits of migration only if their rights are protected, respected and fulfilled. Migration can enable equitable, inclusive and sustainable social and economic development that benefits countries of origin and destination, but first and foremost, it can enable the human development of migrants and their families.

51. Children in the context of migration are more vulnerable to violence in countries of origin, transit and destination. That vulnerability is due to specific migration-related factors such as parental absence, legal and social exclusion and xenophobia. Some of those vulnerabilities are gender-based. To address those risk factors and human rights challenges, States should review and reform their national violence-prevention legal frameworks, policies and programmes to ensure that they explicitly address children in the context of migration and their particular vulnerabilities. In particular, countries of origin should ensure that children left behind when their families migrate can benefit from affirmative actions through national social protection policies and programmes, and that their caregivers can gain access to public services and benefits aimed at strengthening their capacity to protect the children in their charge from violence.

52. Increased access to regular and safe migration pathways for children and their families would decrease the attraction to and necessity of reliance on human smugglers and the risks associated with irregular migration, including, especially for unaccompanied children, the risks of falling prey to trafficking and of other forms of exploitation and abuse.

53. Countries of origin, transit and destination should ensure that xenophobic attitudes, discourse and actions by civil servants, public institutions (including educational, health-care, judicial and law enforcement institutions) and communities are effectively addressed, publicly rejected and progressively eradicated.

54. To effectively respond to the needs of migrant children, whether regular or irregular migrants, States need to be able to identify those who are children, and their families or the children themselves should be able to prove that they are below 18 years of age. The Recommended Principles and Guidelines on Human Rights at International Borders contain additional guidance on this matter.

55. All children, including children accompanied by parents or other legal guardians, must be treated as individual rights holders, protected as children first and foremost, with their child-specific needs and rights considered equally and individually. Pursuant to article 3 (1) of the Convention on the Rights of the Child, in all actions concerning children, whether taken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

56. **Children should be granted the right to be heard in proceedings concerning their or their parents' admission, residence, detention and expulsion procedures, and have access to administrative and judicial remedies against their own or their parents' detention or deportation, to ensure that all decisions are in their best interests.**

57. **Age-appropriate programmes should be promoted to enable children in countries of origin, transit and destination to have access to child-friendly information on safe migration, their rights and how to claim those rights.**

58. **Children affected by migration in all countries should be able to participate in the development, implementation and evaluation of policies concerning migration, integration, labour, education and efforts to combat xenophobia, among others.**

59. **Barriers that prevent the social and political participation of girls and boys in the context of migration should be removed. Those barriers include threats to their freedom and security and a lack of access to high-quality education, which significantly hinder their political engagement at the national, regional and international levels.**

60. **Policies fostering gender equality and empowerment in schooling, health and youth employment can help to enhance successful transitions to adulthood for migrant adolescents. It is important to collect reliable information on the patterns governing the gender division of responsibilities within migrant households, identifying gender inequalities that may hamper the opportunities of both girls and boys.**

61. **Children should never be criminalized or subject to punitive measures because of their migration status.**

62. **Non-custodial and community-based alternatives to detention should be implemented in accordance with the best interests of the child. Children in the context of migration should never be detained for the purpose of immigration control or on the basis of their or their parents' migration status. Detention is never in the best interests of the child and constitutes a child rights violation. Detention of migrant children cannot be justified to preserve family unity. The right of every child in the context of migration to family life should be fulfilled. Families should never be separated by State action or left separated by State inaction, unless that is determined to be in the best interests of the child. In cases involving the deportation of irregular migrant parents, States should explore the possibility of granting residency to the parents. Family reunification policies in transit and destination countries should enable children left behind to join their parents (or parents to join their children) in the destination country.**

63. **Any decision on the fate of a child in the context of migration should be taken by child protection officers, or if that is not possible, at least by well-trained migration officials who understand the rights and needs of children. Institutional reforms and measures aimed at strengthening child protection institutions and training migration officials should be promoted.**

64. Opportunities for regular migration at all skill levels should be increased to enable adolescents and young people to seek work abroad safely. Avenues for legal recruitment should be made accessible, safe and affordable for young migrants so that they do not resort to illegal or unsafe recruitment practices. Young migrants should also be informed of their rights and prepared ahead of their migration experiences. Information could be provided through orientation and support programmes for potential migrants on potential employment opportunities. Similar services could also help returning migrants to reintegrate. Establishing mechanisms for adolescents and young people by which they can maintain ties to family and friends in their country of origin could help to avoid social isolation and the disintegration of family structures, as well as to facilitate return migration. Systems should be put in place to monitor recruitment agencies, and labour inspection mechanisms should be sensitized to child migrants and child labour, especially in destination countries, in particular with respect to the types of jobs in which migrants predominate.

65. The availability of age-disaggregated and gender-disaggregated and comparable data on children affected by migration, reflecting their needs and risks that they face, needs to be strengthened.

66. States are called upon to implement their commitments made in the New York Declaration for Refugees and Migrants (General Assembly resolution 71/1), adopted on 19 September 2016, including to protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and giving primary consideration at all times to the best interests of the child. They are also called upon to ensure that all such children benefit from education within a few months of arrival. Moreover, those children should not be criminalized or subjected to punitive measures because of their migration status or that of their parents, and under no circumstance should they be placed in migration detention.